



Backgrounds of Selective Service

VOLUME II • PART 8


355.22
U 584s
No. 1
V. 2
Pt. 8

List of Parts

MONOGRAPH 1, VOLUME II

1. General Information.
2. Connecticut Enactments.
3. Delaware Enactments.
4. Georgia Enactments.
5. Maryland Enactments.
6. Massachusetts Enactments.
7. New Hampshire Enactments.
8. NEW JERSEY ENACTMENTS.
9. New York Enactments.
10. North Carolina Enactments.
11. Pennsylvania Enactments.
12. Rhode Island Enactments.
13. South Carolina Enactments.
14. Virginia Enactments.

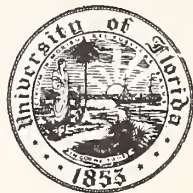
y3, se 4: 17/1/v.2/pt.8



Digitized by the Internet Archive
in 2015

<https://archive.org/details/backgroundsofsel28unit>

UNIVERSITY
OF FLORIDA
LIBRARIES



BACKGROUNDS OF SELECTIVE SERVICE

Military Obligation:

THE AMERICAN TRADITION

*A Compilation of the Enactments of Compulsion
From the Earliest Settlements
of the Original Thirteen Colonies in 1607
Through the
Articles of Confederation 1789*



SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 8. NEW JERSEY ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

CLEARANCE COMMITTEE

BRIG. GEN. CARLTON S. DARGUSCH, *Chairman*

COL. VICTOR J. O'KELLIHER

LT. COL. ARTHUR BOONE

COL. LEWIS F. KOSCH

LT. COL. IRVING HART

COL. WILLIAM HART

MR. KENNETH H. MCGILL

PREPARED AND COMPILED BY

LT. COL. ARTHUR VOLLMER

GOVERNMENT PRINTING OFFICE

WASHINGTON : 1947

FOR SALE BY THE SUPERINTENDENT OF DOCUMENTS, U. S. GOVERNMENT
PRINTING OFFICE, WASHINGTON 25, D. C.

New Jersey

(AND SEE NEW YORK)

Year War Class I Provisions Class II Provisions

1605				
1610				
1615				
1620				
1625				
1630				
1635				
1640				
1645				
1650				
1655				
1660				
1665	1664 ENGLISH-DUTCH	(254) 1664		
1670		(250) 1668		
1675	1673 ENGLISH-DUTCH	(634) 1671		
1680		(251) 1675		
1685		(252) 1679		
1690		(253) 1682		
1695				
1700				
1705				
1710	1709 CANADA			
1715		(261) 1713		
1720		(262) 1720		
1725				
1730		(260) 1730		
1735				
1740	1739 THIRD INTERCOLONIAL			
1745	1744 KING GEORGE'S	(256) 1746		
1750	1748			
1755	1754 FRENCH and INDIAN	(258) 1757		
1760				
1765	1763			
1770				
1775	1775 REVOLUTION	(519, 520) 1777	(521) 1779	
1780				
1785	1783			

Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Historical Data

1664 and 1674. Included in grants by Charles II to James, Duke of York.

1664 Duke of York's release to Lord Berkeley and Sir George Carteret. Constitution by Berkeley and Carteret to the colony.

1676. Divided into New West-Jersey and New East-Jersey.

1680. Form of government under proprietors.

1702. Surrender to Crown of their right of government by the proprietors.

1702-1776. Province (or "Colony").

1736. Separation from New York.

prisonment, Banishment, Corporal Punishment, or to the taking away of Member or Life itself, if there be cause for it.

IV. To place Officers and Soldiers for the safety, strength and defence of the Ports, Castles, Cities &c. according to the Number appointed by the General Assembly, to nominate, place and commissionate all Military Officers under the Dignity of the said Governor, who is commissioned by us over the several Train'd Bands and Companies, constituted by the General Assembly, as Colonels, Captains, &c. and their Commissions to revoke at Pleasure. The Governor with the advice of his Council, unless some present danger will not permit him, to advise to Muster and Train all Forces within the said Province, to prosecute War, pursue an Enemy, suppress all Rebellions, and Mutinies, as well by Sea as Land; and to exercise the whole Militia as fully as we by the Grant from his Royal Highness can empower them to do: PROVIDED, that they appoint no Military Forces but what are Freeholders in the said Province, unless the General Assembly shall Consent.

V. Where they see cause, after condemnation, to reprieve until the case be presented, with a Copy of the whole Tryal, Proceedings and Proofs to the Lords; who will accordingly either Pardon or command Execution of the Sentence on the Offender; who is in mean time to be kept in safe Custody till the Pleasure of the Lords be known.

VI. In case of Death or other removal of any of the Representatives within the Year, to issue Summons by Writ to the respective Division or Divisions, for which he or they were chosen, commanding the Freeholders of the same to choose others in their stead:

VII. To make Warrants and Seal Grants of Lands, according to those our Concessions and the Prescriptions, by the advice of the General Assembly in such form as shall be at large set down in our Instructions to the Governor in his Commission, and which are hereafter express'd.

VIII. To Act and do all other things that may conduce

254. N. J.—*Concession and Instruction Agreement of the Lord's Proprietor; Grants, Concessions, and Constitutions, Leaming & Spicer, 1758; Feb. 10, 1664, p. 19, Sec. IV.*

At a General Assembly begun the
third of November, 1668.

Present the Governor Capt. PHILLIP CARTERET, Esqr.

Capt. Nicholas Verlet,	}	Of the Council.
Mr. Robert Bond,		
Mr. Samuel Edsall,		
Mr. Robert Vanguellin,		
Mr. William Pardon,		
Mr. James Bollen, Secry.		

The DEPUTIES.

Mr. Gasper Steenmetts,	}	for Bergen.
Mr. Baltazar Bayard,		
Mr. John Ogden, senr.	}	for Elizabeth Town.
Mr. Jacob Mollins,		
Capt. Robert Treat,	}	for Newark.
Mr. Jasper Crane,		
Mr. Robert Dennes,	}	for Woodbridge.
Mr. Samuel Moore,		
Mr. Peter Jegon,	}	for Delaware River.
Mr. Fabrus Outout,		

The Deputies for Middletown, and Shrewsbury, were Jonathan Hulmns, Edward Tart, Thomas Winterton, and John Hans, but they refusing to take or subscribe to the Oaths of Allegiance and Fidelity, but with provisos and not submitting to the Laws and Government were dismissed.

Follows the Acts passed or assented
unto.

IN Order to the better providing for the Peace and safety of the Inhabitants of the Province, and the more ready accustoming our Soldiers to an expert handling of their Arms, It is Enacted, that the Soldiers in every Town within this Province from Sixteen Years old to Sixty, shall Train or be Mustered, at least four Days in the Year, and oftner if the chief Military Officer in the Place shall see it needful, viz. two Days in the Spring, and two Days in the Autumn, and that there shall be at least ten
Y Days

The Days appointed for Training.

Days between each Training Day: And in Case any chief Officer, constituted and commissioned for that Purpose, shall wittingly or willfully neglect the same, shall forfeit for every Days neglect, *Twenty Shillings*, to the Publick, and for every Soldier not exempted and freed in this Law, shall neglect to attend their Duty, when required and according to their accustomed Manner, agreed upon in every Place for sufficient Warning of their Training Days, by their chief Military Officers, appointed and allowed according to their Concessions, either by his absence or refusal to bring his Arms into the Field, for every Days neglect, *Five Shillings*, and for half a Day, *Two Shillings* and *Six-pence*, and for late coming *One Shilling*, unless their reasons be satisfactory to the Officers of the Train'd Bands in every Place, and that the Clerk of each Band shall have full Power to collect the said Fines of their defective Soldiers; and in case of the refusal of any to pay his Fines, otherwise he may take distrain. But the Secretary General, the Surveyor General, the Governors, Council and all other the Lords Proprietors Commission Officers, Justices of the Peace, settled Ministers, allowed Physicians, Chirurgeons, Sworn Constables, during the Time of his Office, constant Millner, Masters of all Ships and Vessels above ten Tons, with all common Heardmen, shall be freed from the Penalty aforesaid; which said Fine of the defective Soldiers shall go to the use of the Company, and the Fine of the Chief Officers to the Country.

For marking of Horses and Cattle.

IT IS FURTHER ENACTED, That every Town within this Province shall have a brand mark for their Horses, to distinguish the Horses of one Town from another; besides which every one is to have and mark his Horse or Horses with his own particular brand mark, also that every Town shall have a Horn brand mark, for all Cattle from three Years old and upward; and that in every Town there be an Officer chosen by the Governor, excepting in such Towns as have the Liberty to chuse their own Officers, and there to be chosen by the Freeholders to brand and record every particular Mans brand, and the Age of each of them as near as he can, with the colour and all observable marks, it had before

The Acts of the General Assembly.

FOrasmuch as it is requisite of necessity amongst all Men to be in a Posture of Defence against Enemies, or Dangers that may accrue, and especially we being invited hereunto by the Insolence and Outrages of the Heathens in our Neighbouring Colonies, not knowing how soon we may be surpris'd.

BE IT THEREFORE ENACTED by this Present Assembly that every Male within this Province from Sixteen Years old, unto Sixty, be provided at his own Cost and Charge with a good sufficient Firelock, Gun, and one Pound of Powder, Twenty four Bullets fitted to the Gun, or four Pound of Pistol Bullets, six Flints, a Worm and priming Wire fit for the said Gun, a good Sword, Bandeleers, Cartridge Box, or Powder Horn to carry the aforesaid Powder, and that every Man be thus furnished within a Fortnight after Publication hereof, upon the Penalty of paying for every default as follows, viz. the first default of a Gun, *Two Shillings and Six-pence*, the second default *Five Shillings*, and so to continue; Sword *One Shilling*, Bandeleers horn or Cartridge box *One Shilling*, Powder *Three Shillings*, Bullets *Three-pence*, Flints *Three-pence*, Wire *Three-pence*, Worm *Six-pence*, and that the Serjeant with the Corporal, do by Order from the Commission Officers, view Arms at least once every quarter, or as often as the said Officers shall see Cause, which said Fines shall be collected by the Clerk of the Band, with Order from the Captain, who shall be assisted by a Serjeant in the Execution thereof, for the use of the Company, and upon refusal of Payment to be taken by distraint.

Arms repaired.

II. Whereas there is a necessity that some be employed in the repairing of Arms, and for the Encouragement of those that shall so do.

BE IT ENACTED, that all Officers so Capacitated shall be ready upon all Occasions to attend such Work or Service according to his or their Abilities, for which the said Workmen shall have due Satisfaction in reason both for quality and quantity, and if any refuse to perform the same, to be committed to the common Gaol by Warrant from the Captain of each Town, to the Constable,

A C T S made and concluded by the
General Assembly, the *first* of
November Anno Domini 1679.

I. **B**E IT ENACTED by this Assembly, that no Indian drest Skins shall be transported out of the Province, either by Inhabitants or Foreigners (Oyl Leather excepted) upon the forfeiture of the said drest Leather; one third Part to the Informer, and the Remainder to the Use of the Publick. And if any shall be proved to have transported, directly or indirectly, after the Publication hereof, shall pay by way of Fine the full Value thereof, for the same Use as aforesaid.

An Act prohibiting the Transporting of any drest Skins.

II. BE IT ENACTED that the Act made respecting supplying the Indians with strong Drink, by the Committee appointed or chosen by the Assembly at *Navesinks*, shall still continue and stand in force for the ensuing Year.

An Act supplying the Indians with drink, remain in Force.

III. BE IT ENACTED that there shall be four Training Days in the Year, in each Town within this Province, *viz.* two in the Spring, and two in the Autumn; two between the middle of *March* and the last of *May*; two between the middle of *September* and the last of *November*; at which Times all Males from sixteen Years Old to Sixty, having sufficient warning from the Captain of each Company, shall make their Appearance in compleat Arms, at the Time and Place appointed for disciplining of the said Company, excepting Magistrates, Ministers, Deputies, and Constables, in default whereof, late coming at the Time appointed, every such Person shall pay by way of Fine *six Pence*, and for half a Day's Absence, *one Shilling and three Pence*; and for total Absence from the said Training, shall pay *two Shillings and six Pence*; the same to be levied by way of distrant by Warrant from the said Captain, not exceeding *two Shillings and six Pence*, notwithstanding any Act to the contrary; the Fines to be for the Use of the Company.

An Act for Training the Militia.

And

And when the Company is called in the Field to train in the Exercise of Arms, or other Military Discipline, and any Person shall refuse to train or obey the Commander in the Time of Exercise, or any other Transgression under Command, shall be brought to the next County Court, where being convicted thereof, shall receive condign Punishment according to the merit of the Cause.

An Act for the
satisfying of an
Execution.

IV. BE IT ENACTED, that if any Person or Persons within this Province, shall for the satisfying of an Execution by any Person lawfully obtained against him or them, set out his or their Lands (entailed Lands excepted) for Satisfaction of the said Execution as above expressed, shall give for himself, his Heirs and Assigns, a Deed of Sale of the said Land, to him, his Heirs and Assigns, for whom the said Execution was obtained, and all Lands so obtained shall be and remain to him, his Heirs and Assigns forever. And it is also enacted, if any Person for setting out his Lands as aforesaid, refuse to give a Bill of Sale, shall be imprisoned till he doth satisfy the Debt and Charges, to sign a Bill of Sale.

An Act for the
Laws formerly
made be again
renewed for the
year.

V. BE IT ENACTED that the Laws formerly made and in being, shall be and are renewed again, for the Year ensuing, excepting that for a Hundred and Fifty Pounds for the Encouragement of Trade is repealed.

An Act for quit
Rents.

VI. BE IT ENACTED that all Persons within this Province of whom Quit-Rents is demanded by Sir *George Carteret's* Agent or Agents, bear from the Year Seventy, notwithstanding their Patents bear a later Date, shall enjoy all Benefits, Priviledges, and Immunities whatsoever, both in Law and Equity, as all or any of the rest of the Inhabitants within this Province, whose Patents may bear Date from the Year Seventy.

An Act for the
Governor's, Sal-
ary.

VII. BE IT ENACTED, that the Governor shall have for his Salary for the Year ensuing, *two Shillings* per Head for every Male within this Province, from fourteen Years old and upwards, in the same Species and at the same Price as the Country Rates; Tobacco to be excepted in both: Which Salary shall be paid into the Governor as the former Act hath provided it.

Chap. XX.

An A C T for the Militia.

FORASMUCH as it is requisite, and of necessity amongst all Men to be in a posture of Defence against Enemies or Dangers that may accrue, especially by the Insolence and Outrages of the Heathen as of late hath been in our Neighbouring Colonies. BE IT THEREFORE ENACTED by this present Assembly, and the Authority of the same, that every Male within this Province from Sixteen Years old unto Sixty, be provided at his own Cost and Charge, with a good sufficient Firelock, Gun, one pound of good Powder, Twenty four Bullets fitted to the Gun, a good Sword, Bandeleers, Cartouch-Box, or Horn to carry the afore-said Powder, and that every Man be so furnished within three Months after the Publication hereof, upon Penalty of paying for every Defect as followeth, (viz.) the first default of a Gun, *Two Shillings and Six-pence.* The second default, *Five Shillings,* and so to continue. A Sword, *One Shilling.* Bandeleers, Cartouch-Box, or Horn, *One Shilling.* Powder, *Three Shillings.* Flint, *Three-pence.* Wire, *Three-pence.* Worm, *Six-pence.* And that the Serjeant with the Corporal, do by Order from the Commission Officer, view Arms at least every Quarter, or as often as the said Officer shall see Cause; which said Fines, shall be collected by the Clerk of the Band, with order from the Captain, who shall be assisted by a Serjeant in the Execution thereof, for the use of the Company; upon refusal of Payment, to be taken by distraint. And that the Soldiers may be expert in use of their Arms, in the severall and respective Towns, BE IT FURTHER ENACTED by the Authority afore-said, that there shall be four Days in a Year for Training, or Mustering, two in the Spring, and two in the Fall of the Leaf, in each Town within this Province; at which times all the Males from Sixteen Years old unto Sixty, having sufficient warning from the Captain of each Company, shall make their Appearance in compleat Arms, at the Time and Place appointed for disciplining the said Company (excepting Magistrates, Ministers, Deputies, Constables) in default whereof for the late coming at the time appointed, every such Person shall pay by way of Fine, *Six-pence,* for half a
A a a a Days

Days absence *fifteen pence*, and for total Absence from said Training, *Three Shillings*; the same to be levied by way of distraint upon refusal of Payment as above specified. AND BE IT FURTHER ENACTED by the Authority abovesaid, that all Military Officers, to be commissioned by the Governor.

Chap. XXI.

An A C T for the Regulation of marking of Cattle.

WHEREAS some Persons do or may presume to mark their Cattle by cutting off all and most Part of their Ears, by which means ill disposed People may defect the marks of others, their Neighbours Cattle, and appropriate them unto themselves. BE IT THEREFORE ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by the Authority of the same, That no Person for the future do presume to mark any Horses, Mares, Geldings, Bulls, Cowes, Oxen or Hogs, by cutting off, or cropping both their Ears. AND BE IT ENACTED by the Authority aforesaid, that it shall and may be lawful for any Person whatsoever finding any Horse, Mare or Gelding, any such Marks, or any Bull, Ox, or Cow, or any Hogs, or Swine, so mark'd, to Shoot down and kill the same. PROVIDED ALWAYS, that this Act take effect and be in Force, the *Four and Twentieth Day of June*, now next ensuing and not sooner.

of Freehold includes, all the Land from the Head of *Cheefqueaks* Creek, and runs along the Lines of *Middletown* to *Burlington* Path, thence along the Line of *Shrewsbury*, to the Line of the Province, thence along the Province Line, to the Line of the County, thence North East along the said County Line to where it began. The County of *Somerset*, as it is already Bounded by a former Act of Assembly. PROVIDED ALSO, that when any County shall hereafter come to be better settled and inhabited, this shall not be understood to hinder other Subdivisions, to be made upon Application to the General Assembly to that effect.

See in general

Chap. V.

An ACT explaining a Clause of a former Act, entitled, An Act for the Militia.

WHEREAS at a General Assembly held in the Year 1682, there was an Act made for establishment of a Militia in this Province, with certain Regulations, as is therein expressed, and whereas it is there said, that there shall be four Days in a Year for Training or Mustering, two in the Spring, and two in the Fall of the Leaf. BE IT ENACTED by the Governor, Council and Deputies in General Assembly, now met and assembled, and by the Authority of the same, that by the said Clause is meant four Days at the least, not excluding such other Times as the respective Captains, either upon any Emergency, or by Order of the Governor, or Deputy Governor for the Time being shall appoint. And whereas by the aforesaid Act, there is no Penalty inflicted for the want of Bullets, BE IT THEREFORE ENACTED by the Authority aforesaid, that every Man not being furnished with Bullets, as is prescribed by the said Act, shall be Fined in *three Shillings*, for every Time Bullets are thus wanting, to be levied as other Fines by the Form of the said Act. AND BE IT ENACTED by the Authority aforesaid, that a Hatchet shall supply the want of a Sword.

Chap.

or Employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the Declaration of Allegiance, to us in the form used by the same People here in *England*, together with a Solemn Declaration for true discharge of their respective Trusts, be admitted by you into any of the said Places or Employments.

You shall send an Account unto us, and to our Commissioners for Trade and Plantations, of the present Number of Planters and Inhabitants, Men, Women and Children, as well Masters as Servants, free and unfree, and of the Slaves in our said Province, as also a Yearly account of the Increase or Decrease of them, and how many of them are fit to bear Arms in the Militia of our said Province.

You shall also cause an Account to be kept of all Person Born, Christend and Buried, and you shall Yearly send fair abstracts thereof to us, and to our Commissioners for Trade and Plantations as aforesaid.

You shall take care that all Planters and Christian Servants, be well and fitly provided with Arms, and that they be listed under good Officers, and when, and as often as shall be thought fit, Mustered and Trained, whereby they may be in a better readiness for the Defence of our said Province under your Government, and you are to endeavour to get an Act past, (if not already done) for apportioning the number of white Servants to be kept by every Planter.

You are to take especial care, that neither the frequency, nor unreasonableness of their Marches, Musters, and Trainings, be an unnecessary Impediment to the affairs of the Inhabitants.

You shall not, upon any Occasion whatsoever, establish, or put in Execution any Articles of War, or other Law Martial, upon any of our Subjects, Inhabitants of our said Province, without the Advice and consent of our Council there.

And whereas there is no Power given you by your Commission, to execute Martial Law in Time of Peace
upon

CHAP. XL.

An Act for settling the Militia of this Province.

WHereas the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most Useful for the Defence thereof, and the Honour of her Majesty, Be it Enacted by the Governour, Council and General Assembly met and assembled, and by the Authority of the same, That every Captain within this Province already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Precincts of which they are Captains, between the Age of Sixteen and Fifty Years, except Ministers, Physicians, School-Masters, Civil Officers of the Government, the Representatives of General Assembly, Millers, and Slaves, every one of which so Listed, shall be sufficiently Armed with one good sufficient Musquet or Fuzee well fixed, a Sword or Bagonet, a Cartouch-Box or Powder-Horn, a Pound of Powder, and Twelver Sizeable Bullets, who shall appear in the field so armed twice every Year, on the third Friday of March, and on the third Friday of September, yearly, at the Places appointed by their Captains or Superiour Officers, and to continue in Arms but one Day at each time, besides at other times when they shall be called together by an order in writing under the Hand of the Captain General or Commander in Chief, for the time being, at such Places as shall be by him appointed, to be taught the Use of their Arms, and the Discipline of War; and when under Arms, shall, and are hereby subjected to the Command of their proper Officer, and upon Disobedience shall and are hereby made liable to the Penalties and Punishments of the Martial Law, so that the Punishment does not extend to the taking away of Life or Member.

And be it Enacted by the Authority aforesaid, That every Person so Listed, and that doth appear at the times and places, as above, who shall not be armed and provided with Ammunition, as aforesaid, shall forfeit as followeth, *viz.* for want of a Musquet or Fuzee, *Two Shillings*, if not well fixed, *One Shilling*; for want of a Sword or Baggenet, *One Shilling*; for want of a Pound of Powder *One Shilling*, and so in Proportion; for want of twelve Sizeable Bullets, *One Shilling*, and so in Proportion; to be levied by the Serjeant or Corporal of the Company, by a Warrant from the Captain, upon their Goods and Chattles, if they refuse to pay their forfeitures, which forfeitures shall be applied towards Providing the Company with Drums and Colours.

And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Captain General or Commander in Chief, for the time being, in Case of Invasion of an Enemy, to call all, or so many of the Persons aforesaid together, for Repelling the force of an Enemy, to order such Detachments for the common Defence, as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments for Expelling the Enemy and Preservation of her Majesties Subjects and Government.

And be it further Enacted by the Authority aforesaid, That every Person so Listed, that doth not appear at the Places appointed, as above, on the third Fryday of March, and on the the third Friday of September, shall contribute
and

and pay towards the Support of her Majesties Government in this Province, the Sum of *Five Shillings* for each of the said Days absence, to the Captain or the Commanding Officer, for the Time being, of their Respective Companies, excepting in case of Sickneſs, or any other Reasonable Excuse, to be allowed of by the Captain, which Sum so raised by the said Captain or Commanding Officer, shall, from time to time, be paid into the Treasurer of the Province. And if any Person or Persons shall refuse or neglect to pay, as aforesaid, the said Captain or Commanding Officer is hereby required and impowered to make out his Warrants to one of the Serjeants or Corporals, to make Distreſs upon every Persons Goods and Chattles so Neglecting or Refuſing to pay, as aforesaid, Provided that such Distreſſes are made but once a year, for all the Defaults that have been Committed within the said year, before the time of such Distreſs, and shall expose the said Goods to a Publick Sale, and after Sale thereof, shall return the over-plus (if any be) to the owners thereof, after deducting *One Shilling* for his trouble, which he is hereby allowed to take.

And be it further enacted by the authority aforesaid, That the said Treasurer shall keep true and perfect Lists of all the Money collected, as aforesaid, and shall have for his the said Treasurers trouble *Ten Pounds* for every Hundred Pounds Received by virtue of this Act, and so in proportion for greater or lesser Sums, which Sum or Sums of Money are to be applied to the Support of Her Majesties Government of this Province.

And be it further Enacted by the Authority aforesaid, That if the small Fines mentioned in this Act, for defraying the Charges of Drums and Colours, and other incidental Charges, are found insufficient, the Captain or Superiour Officer of each Company, who was at the Charge of furnishing them, shall be allowed by the Treasurer out of the other Fines, as much as will make up the small Fines sufficient to re-imburse them, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for such Captains or other Commanding Officers as live on or near the Sea side and Indians, on any Descent or Invasion by an Enemy, to call all, or so many of their severall and respective Companies together, as shall be thought Necessary to expel the said Enemy.

And be it further Enacted by the Authority aforesaid, That when the Governour or Commander in Chief, for the time being, shall think fit to Direct, in time of War or Danger, any Watch to be kept in any Place or Places within this Province, the Colonel, Lieutenant Colonel, Major, or other Commanding Officer of the Regiment, to whom such Direction is signified, shall issue out his Orders to the severall Captains under his Command, to appoint such and so many Men to appear with their Arms at such Time and Places as such Colonel or Commanding Officer shall appoint; which Watch so appointed, shall be equally Relieved by the Commanding Officers of said Company, and so equally through all the Companys of the said County; and every Person or Persons neglecting or refusing to Watch, during the Time, and at the Place appointed, shall forfeit the Sum of *Five Shillings* for each Offence, and any Person that shall leave the said Watch until Relieved by some other Persons appointed to Watch in his stead, every such Person so leaving,

leaving, as aforesaid, shall forfeit the Sum of *Forty Shillings*, Money of the said Province, to be recovered before any Justice of the Peace of the County where the Offence is committed, one half to the informer who shall prosecute the same to effect, the other half to her Majesty, her Heirs and Successors, towards the Support of the Government, as aforesaid.

And be it farther Enacted by the Authority aforesaid, That if any Person, appointed by the Captain to be a Serjeant or Corporal, shall refuse the said Office, every such Person so refusing shall forfeit the Sum of *Twenty Shillings*, to be recovered by Warrant from any one Justice of the Peace.

Provided always, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms, as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to Distrain, as aforesaid, shall forfeit the Sum of *Twenty Shillings* for each Default, to be Recovered before any one Justice of the Peace, and applyed to the Support of the Government, as aforesaid.

And be it further Enacted by the Authority aforesaid, That this Act shall Continue and be in Force for Seven Years after Publication thereof, and no longer.

CHAP. XLI.

An Act for Regulating of Slaves.

BE it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all and every Person or Persons within this Province, who shall at any time after Publication hereof, buy, Sell, barter, trade or traffick with any *Negro, Indian or Mullatto Slave*, for any Rum, Wine, Beer, Syder, or other strong Drink, or any other Chattels, Goods, Wares or Commodities whatsoever, unless it be by the consent of his, her or their Master or Mistres, or the Person under whose care they are, shall pay for the first Offence *Twenty Shillings*, and for the second, and every other Offence, *Forty Shillings*, Money according to the Queens Proclamation, the one half to the Informer, the other half to the use of the Poor of that Place where the Fact is committed, to be recovered by Action of Debt before any one of Her Majesties Justices of the Peace.

And be it further enacted by the authority aforesaid, That all and every Person or Persons within this Province, who shall find or take up any *Negro, Indian or Mullatto Slave or Slaves*, five Miles from his, her or their Master or Mistresses habitation, who hath not leave in writing from his, her or their Master or Mistres, or are not known to be on their service, he, she or they, so taken up, shall be Whipt by the party that takes them up, or by his order, on the bare back, not exceeding *Twenty Lashes*; and the Taker up shall have for his reward *Five Shillings*, Money aforesaid, for every one taken up as aforesaid, with reasonable Charges for carrying him, her or them home, paid him by the Master or Mistres of the Slave or Slaves so taken up; and if above the said five Miles, *six Pence per Mile* for every Mile over and above, to be recovered before any one Justice of the Peace, if it exceeds not *Forty Shillings*, and if more, by Action of Debt in the Court of Common Pleas in the County where the fact shall arise.

F

And

Employment, or his coming hereafter under some of the Qualifications which require the taking the Oaths before-mentioned, by Virtue of this Act, or any other Law now in being.

And be it further Enacted by the Authority aforesaid, That no Person, being out of the Province at the time of such Summons being left at his House, as aforesaid, shall be prosecuted as a *Popish Recusant*, if he shall within three Months after his Return into this Province, repair to some Officer appointed for that purpose, and take the Oaths, and make the Declaration, and subscribe, as by this Act directed.

And whereas there are Protestant Dissenters well affected to His Majesty's Person and Government, who for Conscience sake, have and do refuse taking any Oath whatsoever.

Be it therefore Enacted by the Governour, Council and General Assembly, That neither this Act nor any Thing herein contained, shall be construed or taken to extend to such Protestant Dissenter, as aforesaid, who shall take and subscribe the Oaths and Declaration in this Act before mentioned, in such Manner and Form as they have been usually taken here by the People called Quakers, or according to the Laws of *Great Britain*, that now are or shall be made in Relation to those People called Quakers, and their so doing, being Recorded at the next Quarter-Sessions shall exempt such Protestant Dissenters, as aforesaid, from the Penalties of this Act any thing in this Act to the contrary notwithstanding.

Provided always, and it is hereby further Enacted, That any Person or Persons who shall become *Popish Recusant Convict* by Virtue of any thing in this Act contained, and shall at any Time hereafter take and subscribe the said Oaths before-mentioned, and make and subscribe the said Declaration before the Chief Justice of the Supreme Court, for the Time being, in Open Court, or before the Governour or Commander in Chief of this Province, for the Time being, in Council, and shall obtain a Certificate of his so Doing, under the Hand and Seal of the said Governour or Commander in Chief, or under the Hand of the Judge and Seal of the said Court, as the Case shall be, every such *Popish Recusant* by this Act, so Swearing, and Declaring, and obtaining a Certificate, as aforesaid, shall be Discharged from all the Penalties and Forfeitures incurred by this Act, and are hereby, from such Time, Discharged from such Conviction, any thing in this Act to the contrary hereof in any Wise notwithstanding.

An Act for the Settling the Militia of this Province.

WHEREAS the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most Useful for the Defence thereof and Honour of His Majesty. And whereas the former Act *For settling the Militia of this Province*, is expired by its own Limitation.

Be it therefore Enacted by the Governour, Council and General Assembly

and by the Authority of the same, That every Captain within this Province, already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be, within the Districts or Division of which they are Captain, between the Age of Sixteen and Fifty Years (except the Gentlemen of His Majesty's Council and the Representatives of General Assembly, Ministers of the Gospel, the Civil Officers of the Government and all Field Officers and Captains that heretofore bore Commission in the Militia of this Province, and all that now do or shall hereafter bear such Commission Physicians, School-Masters, Millers and Slaves: Every of which, so listed, shall be sufficiently Armed with one good sufficient Musquet or Fuzee, well fixed, a Sword or Bagonet, a Cartouch Box or Powder Horn, Three Charges of Powder and Three Sizeable Bullets, who shall appear in the Field, so armed, twice every Year, the first Monday in April, and the second Monday in October, (except the County of Cape-Mey, which shall thus appear the third Monday in April, and the third Monday in October,) yearly, at the Places appointed by their Captains or Superiour Officers, and continue in Arms but one Day at each Time, beside at other Times when they shall be called together by an Order in Writing, under the Hand of the Captain General or Commander in Chief, for the Time being, at such Places as shall be by him appointed, to be taught the Use of their Arms, and then and there shall and are hereby Subjected to the Command of their proper Officers, and upon Disobedience shall and are hereby made lyable to the Penalties and Punishments of the Martial Law, so that the Punishment do not extend to the taking away of Life or Member.

And be it Enacted by the Authority aforesaid, That every Person so listed, that doth appear at the Times and Places above, who shall not be Armed and provided with Ammunition, as aforesaid, shall forfeit as followeth, viz. For want of a Musquet or Fuzee, Two Shillings; if not well fixed, One Shillings; For want of a Sword or Bagonet, One Shilling; For want of Three Charges of Powder, and Three sizeable Bullets, one Shilling. All which Fines to be Levied by the Serjeant or Corporal of the Company, by a Warrant from the Captain, upon their Goods and Chattles, if they refuse to pay their Forfeitures. Which Forfeitures shall be applied towards providing the Company with Drums and Colours.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the Captain General or Commander in Chief, for the Time being, in Case of any Invasion of any Enemy, to call all, or so many of the Persons aforesaid together, for the Repelling the Force of any Enemy, or Order such Detachments for the Common Defence, as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments, for expelling the Enemy and Preservation of his Majesty's Subjects and Government.

And be it further Enacted by the Authority aforesaid, That every Person, so listed, that doth not appear at the Place appointed, as aforesaid, shall contribut and pay, towards the Support of His Majesty's Government in this Province, the Sum of Five Shillings for each of the said Days

(8)

Absence,

Absence, to the Captain or Commanding Officer, for the Time being, of their respective Companies, (excepting in Cases of Sicknes, or any other reasonable excuse, to be allowed of by the Captain) Which Sum, so raised by the said Captain or Commanding Officer, shall, from Time to Time, be paid unto the Treasurer of the Province. And if any Person or Persons shall refuse or neglect to pay, as aforesaid, the said Captain or Commanding Officer is hereby required and impowered to make out his Warrant to one of the Serjeants or Corporals, to make Distress upon every Persons Goods and Chattles so neglecting or refusing to pay, as aforesaid. *Provided*, That such Distresses be made but once a Year, for all the Defaults that have been committed within the said Year before the Time of such Distress, and shall expose the said Goods to publick Sale, and after Sale thereof, shall return the Over-plus (if any be) to the Owners thereof, after deducting One Shilling for his Trouble, which he is hereby allowed to take.

And be it further Enacted by the Authority aforesaid, That the said Treasurer shall keep a true and perfect List of all the Money collected as aforesaid, and shall have for his, the said Treasurers Trouble, Ten Pounds for every Hundred Pounds received by Virtue of this Act, and so in Proportion for a greater or lesser Sum. Which Sum or Sums of Money, so raised, shall be applyed to such Use or Uses as the Governour, Council and General Assembly shall appoint.

And be it further Enacted by the Authority aforesaid, That if the small Fines, mentioned in this act, for defraying the Charges of Drums and Colours and other Incidental Charges, are found insufficient, the Captain or other Officer of each Company, who was or shall be at the Charge of furnishing them, shall be allowed by the Treasurer, out of the other Fines, as much as will make up the small Fines, sufficient to Reimburse them, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for such Captains or other Commanding Officers, as live on or near the Sea Side or Indians, on any Descent or Invasion by any Enemy, to call all, or so many of their severall and respective Companies together as shall be thought necessary to expel the said Enemy.

And be it further Enacted by the Authority aforesaid, That when the Governour or Commander in Chief, for the Time being, shall thinke fit to Direct, in Time of War or Danger, any Watch to be kept, in any Place or Places within this Province, the Collonel, Lieutenant Collonel, Major or other Commanding Officer of the Regiment, to whom such Directions is Signified, shall Issue out his Orders to the severall Captains under his Command, To appoint such and so many Men to appear with their Arms, at such Time and Places as such Collonel or Commanding Officer shall appoint. Which Watch, so appointed, shall be aequally relieved, by Order of the Commanding Officer of said Company; and so equally through all the Companies of the said County. And every Person or Persons neglecting or refusing to appear himself, or send a sufficient Man in his Room, to Watch, during the Time and at the Place appointed, shall forfeit the Sum of Ten Shillings for each Offence: And any Person
that

that shall leave the said Watch, until relieved by some other Person appointed to Watch in his Stead, every such Person so leaving, as aforesaid, shall forfeit the Sum of Forty Shillings, Money of the said Province; to be recovered before any Justice of the Peace of the County where the Offence is committed, one half to the Informer, who shall prosecute the same to Effect, the other half to His Majesty, his Heirs and Successors, to be appropriated to the Use or Uses as is before appointed by this Act, *Provided always*, That no Person shall be obliged to continue longer on the Watch then Twenty Four Hours at one Time-

And be it further Enacted by the Authority aforesaid, That if any Person appointed by the Captain to be a Serjeant or Corporal, shall refuse the said Office, every such Person, so refusing, shall forfeit the Sum of Twenty Shilling, to be recovered by Warrant from any one Justice of the Peace.

Provided always, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms, as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to distrain, as aforesaid, shall forfeit the Sum of Twenty Shillings for each Default, to be recovered before any one Justice of the Peace, and applyed as it is before directed by this Act.

And be it further Enacted by the Authority aforesaid, That every Person listed within this Province, shall always be provided with one good sufficient Musquet or Fuzee, well fixed, a Cartouch Box or Powder Horn, half a Pound of Powder, and Twelve Sizeable Bullets in his House, and as often as any Person shall be deficient in the Arms and Stores herein mentioned, shall forfeit to the Uses first before-mentioned, and for paying the Serjeants and Corporals for their Pains, the Sum of Three Shillings; And the respective Captain are hereby impowered to appoint their Serjeants and Corporals to examine the same once a Year.

And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force for Seven Years, after Publication hereof. and from thence to the end of the first Sessions of Assembly thereafter next ensuing.

An Act for preventing Multiplicity of Law Suits.

WHEREAS many Vexatious Suit, have been brought by Troublesom and and Litigious Persons, when upon just Ballance of Accompts, there has been nothing due, or perhaps the Plaintiff over-paid, there being no Law impowering Justices and Juries, in such Cases, to Ballance accompts, the Defendant can have no Remedy but by a Cross Actions For Preventing whereof.

BE It Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That if any two or more, dealing together, or having dealt together, be Indebted to each other upon Bonds, Bills, Bargains, Premises, Accompts, or the like, and one of them Commence an Action before a Justice of the Peace or in any

the Owner or Owners of such Horse or Horses shall be free and clear from the Payment of the Ten Shillings aforesaid.

3. And be it Enacted by the Authority aforesaid, That if any Person or Persons who are not Free-holders shall at any Time or Times hereafter range the Woods, and drive up and geld any such Horse or Horses contrary to the true Intent and Meaning of this Act, shall pay the full Value of each Horse so gelt, if he should happen to dye within One Month after his being so gelt to the Owner of the same, to be recovered in any Court of Record within this Province; and the Act heretofore made concerning Stone Horses shall be and is hereby repealed to all Intents and Purposes. *Former Act Repealed.*

C H A P. CXV.

An ACT for settling the Militia of the Province of New-Jersey.

Sett. 1. **W**HEREAS the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most useful for the Defence thereof, and Honour of His Majesty. And whereas the former Act for settling the Militia of this Province is expired by its own Limitation: *Preamble.*

1. Be it therefore Enacted by the Governor, Council and General Assembly, and by the Authority of the same, That every Captain within this Province, already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Divisions of which they are Captains, between the Age of Sixteen and Fifty Years (except the Gentlemen of His Majesty's Council, and the Representatives of General Assembly, Ministers of the Gospel, the civil Officers of the Government, and all Field Officers and Captains that heretofore bore Commission *Captains to make a List of Men in their respective Districts between 16 & 50.*

Except Commissioners, Representatives, &c.

K k 2

*How to be fitted
with Arms in
the Field.*

*Militia to Ap-
pear in Arms
twice each Year,
&c.*

*Punishment to
those who may
be Disobedient.*

*Forfeitures for
lack of being
provided as by
this Act is di-
rected.*

*And how ap-
plied.*

*Captain Gene-
ral, &c. in Case
of Invasions im-
powered to call
the Militia, &c.*

mission in the *Militia* of this Province, and all that now do or shall hereafter bear such Commission, Physicians, School-Masters, Millers, bought Servants and Slaves) every of which so listed shall be sufficiently armed with one good sufficient Musquet, or Fuzee, well fixt, a Sword or Bagonet, a Cartouch-box or Powder horn, three Charges of Powder, and three sizeable Bullets, who shall appear in the Field so armed twice every Year, the first Monday in *April*, and the second Monday in *October*, (except the County of *Cape May*, which shall thus appear, the third Monday in *April*, and the third Monday in *October*) yearly, at the Places appointed by their Captains or Superior Officers, and continue in Arms but one Day at each Time, beside at other Times when they shall be called together by an Order in Writing under the Hand of the Captain General or Commander in Chief for the Time being, at such Places as shall be by Him appointed, to be taught the Use of their Arms, and then and there shall and are hereby subjected to the Command of their proper Officers, and upon Disobedience shall and are hereby made liable to the Penalties and Punishments of the Martial Law, so that the Punishment do not extend to the taking of Life or Member.

3. *And be it Enacted by the Authority aforesaid*, That every Person so listed that doth appear at the Times and Places above said, who shall not be armed and provided with Ammunition as aforesaid, shall forfeit as followeth, *viz.* For Want of a Musquet or Fuzee, *Two Shillings*, if not well fixed, *One Shilling*, for want of a Sword or Bagonet, *One Shilling*, for want of three Charges of Powder and three sizeable Bullets, *One Shilling*; all which Fines to be levied by the Serjeant or Corporal of the Company by a Warrant from the Captain upon their Goods and Chattels, if they refuse to pay their Forfeitures. Which Forfeitures shall be applied towards providing the Company with Drums and Colours.

4. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Captain General or Commander in Chief for the Time being, in Case of any Invasion of any Enemy, to call all or so many of the Persons aforesaid together, for the repelling the Force of any Enemy, or order such Detachments for the common Defence as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments, for expelling the
Enc-

Enemy and Preservation of His Majesty's Subjects and Government.

5. *And be it further Enacted by the Authority aforesaid,* <sup>Proviso not exp-
plained to yet</sup> That every Person so listed that doth not appear at the <sup>5 s. 6 d. p. d.
within the 10 d.
in the City of
Shilling, &c.</sup> Place appointed as aforesaid, shall contribute and pay to-
wards the relief of the Poor of the Town or Precinct to
which they belong the Sum of *Three Shillings and Six pence*,
Proclamation Money, for each of the said Days absence, to
the Captain or Commanding Officer for the Time being of
their respective Companies (except in Cases of Sickness or
any other reasonable Excuse to be allowed of by the Cap-
tain) which Sum so raised by the said Captain or Command-
ing Officer, shall from Time to Time be paid unto the O-
verseer of the Poor of the Town or Precinct to which they
belong. And if any Person or Persons shall refuse or ne-
glect to pay as aforesaid, the said Captain or Commanding
Officer is hereby empowered and required to make out his
Warrant to one of his Serjeants or Corporals to make Dis-
tress upon every Persons Goods and Chattels so neglecting
or refusing to pay as aforesaid; *Provided*, That such Dis-
tresses be made in a reasonable Manner, and but once a
Year for all the Defaults that have been committed within
the said Year before the Time of such Distress, and shall ex-
pose the said Goods to publick Sale, and after Sale thereof,
shall pay the Forfeitures, as aforesaid, and return the Over-
plus (if any be) to the Owners thereof, after deducting
of *One Shilling* for his Trouble, which he is hereby allow-
ed to take.

*Forfeitures to
be levied by rea-
sonable Distress,
&c. and paid to
Overseers of the
Poor*

6. *And be it further Enacted by the Authority aforesaid,*
That the said Overseer for the Time being, shall keep a
true and perfect Account of all the Money collected, as
aforesaid, and shall have for his the said Overseer's Trouble
Ten Pounds for every *Hundred Pounds* received by Virtue
of this Act, and so in Proportion for a greater or lesser Sum.
Which Sum or Sums of Money so raised shall be annually
accounted for to the next succeeding Overseer of the Poor,
to be applied to the Uses aforesaid.

*Overseers to
Account to their
Successors for
that Money*

7. *And be it further Enacted by the Authority aforesaid,*
That it shall and may be lawful for such Captains, or other
Commanding Officers, as live on or near the Sea Side, or
Indians, on any Descent or Invasion by any Enemy, to call
all or so many of their several and respective Companies to-
gether

*Officers living
near the Sea, or
Indians in Case
of Invasions, to
call together
their Companies*

gether as shall be thought necessary to expel the the said Enemy.

Governor, &c. in time of War or Danger to appoint Men in Arms to keep Watch, &c.

8. *And be it further Enacted by the Authority aforesaid,* That when the Governor or Commander in chief for the Time being, shall think fit to direct in Time of War or Danger any Watch to be kept in any Place or Places within this Province, the Colonel, Lieutenant-Colonel, Major, or other Commanding Officer of the Regiment to whom such Directions is signified shall issue out his Orders to the several Captains under his Command, to appoint such and so many Men to appear with their Arms at such Time and Places as such Colonel or Commanding Officer shall appoint: Which Watch so appointed shall be equally relieved by Order of the Commanding Officer of said Company, and so equally thro' all the Companies of the said County. And every Person or Persons neglecting or refusing to appear himself, or send a sufficient Man in his Room, to watch during the Time and at the Place appointed, shall forfeit the Sum of *Ten Shillings* for each Offence; and any Person that shall leave the said Watch until relieved by some other Person appointed to watch in his stead, every such Person, so leaving, as aforesaid, shall forfeit the Sum of *Forty Shillings*, Money of the said Province, to be recovered before any Justice of the Peace of the County where the Offence is committed, one Half to the Informer who shall prosecute the same to Effect, the other Half to be appropriated to the Use or Uses as is before appointed by this Act, *Provided always,* That no Person shall be obliged to continue longer on the Watch than Twenty four Hours at one Time.

Persons refusing to Watch, to forfeit 10s. for each Offence.

Provided no Person watch above 24 Hours at one Time.

Any Person named a Serjeant by the Captain, refusing forfeits 20 s.

9. *And be it further Enacted by the Authority aforesaid,* That if any Person appointed by the Captain to be Serjeant or Corporal shall refuse the said Office, every such Person so refusing shall forfeit the Sum of *Twenty Shillings*, to be recorded by Warrant from any one Justice of the Peace.

Provided none be appointed Serjeants but who appear in Arms. Serjeant who refuses to distrain forfeits 20 s.

Provided alway, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms, as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to distrain, as aforesaid, shall forfeit the Sum of *Twenty Shillings* for each Default, to be recovered before any one Justice of the Peace, and applied as it is before directed by this Act.

10. *And*

10. *And be it further Enacted by the Authority aforesaid,* Every Person
 That every Person listed within this Province shall always listed here to be
 be provided with one good sufficient Musquet or Fuzee; provided with
 well fixt, a Cartouch-box or Powder-horn half a Pound Arms and acc-
 of Powder and twelve sizeable Bullets in his House; and omission at
 as often as any Person shall be deficient in the Arms and home.
 Stores herein mentioned, shall forfeit to the Uses first before
 mentioned, and for paying the Serjeants and Corporals for
 their Pains, the Sum of *Three Shillings*, and the respective Penalty.
 Captains are hereby impowered to appoint their Serjeants
 and Corporals to examine the same once a Year.

11. *And be it further Enacted by the Authority aforesaid,* The Act to con-
 That this Act shall continue and be in Force for Seven time 7 Years;
 Years after the Publication hereof, and from thence to the &c.
 End of the first Session of Assembly thereafter next ensu-
 ing.

C H A P. CXVI.

An ACT for the building of a Town- House and Goal in the County of Mon- mouth.

Seet. 1. **W**HEREAS the Court-House and Goal Preamble
 belonging to the said County of *Mon-*
mouth were by Accident lately burnt down,
 and no Law in this Province having provided for building
 thereof, and it being highly necessary it should be built,
 Therefore,

2. *Be it Enacted by the Governor, Council and General* Justice and
Assembly of the said Province; and it is hereby Enacted by Freeholders to
the Authority of the same, That it shall and may be lawful meet as soon as
 for any three Justices of the Peace of the said County, may be after
 whereof one to be of the *Quorum*, and they are hereby en- Publication of
 joynd, commanded and required, in Conjunction with the the Act, and to
 Free-holders, chosen by Virtue of *An Act for raising of* advertise such
 Money who are Quali-
fied to chuse
Representatives
&c.

At a GENERAL ASSEMBLY held at

Perth-Amboy from the Fourth Day of April to the Sixth Day of August 1745, and continued on an Adjournment to Trenton to the Twenty-fourth Day of the same Month, in the Eighteenth and Nineteenth Years of the Reign of King George the Second, being the Fifteenth Assembly of New-Jersey, the following Law was passed.

SESSION THE FIRST.

Chap. CXCIX. *An Act for applying Two Thousand Pounds of the Interest Money now in the Treasury, arising from the Loans of the Bills of Credit, for His Majesty's Service.* Obsolete.

Passed June 1, 1745.

At a GENERAL ASSEMBLY held at

Trenton from the Twenty-sixth Day of February 1745-6 to the Twenty-first Day of May 1746, when Governor Morris dying, was succeeded by John Hamilton, Esquire, President of the Council, the Assembly continued sitting to the Fourth Day of June, in the Nineteenth Year of the Reign of King George the Second, being the Sixteenth Assembly of New-Jersey, the following Law was passed.

SESSION THE FIRST.

C H A P. CC.

An ACT for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions.

Passed May 8, 1746.

WHEREAS the Security of this Colony, and Preservation of His Majesty's Government over it, greatly depends upon the Militia being put into such Methods as may make the same most useful for the Defence thereof, especially at this Time, when His Majesty hath a just War against both *France* and *Spain*; therefore, for the better Defence of this Colony, and the Honour of His Majesty, Preamble:

Sec't. I. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That every Captain within this Colony, that already is or hereafter shall be appointed, shall
make

256. N. J.—General Assembly, Trenton; A & L Allinson, 1776; Act, May 8, 1746, pp. 139-147.

Captains to
make Lists of
Men within
their Dis-
tricts, &c.

Arms, &c.
necessary.

Times of
Musters.

make a true and perfect List of all the Men that now do, or hereafter shall dwell within the Districts or Divisions of which they are or shall be Captains, between the Age of sixteen and fifty Years (except the Gentlemen of His Majesty's Council, the Representatives of the General Assembly, Ministers of the Gospel, the Civil Officers of the Government, and all Field Officers and Captains, that heretofore have, now do, or hereafter shall bear such Commissions, Physicians, Schoolmasters, Millers, Ferry-men, bought white Servants and Slaves) every one of which so listed shall be sufficiently armed with one good Musket or Fuzee well fixed, a Sword or Bayonet, a Cartouch-Box or Powder-Horn, three Charges of Powder, and three sizeable Bullets; who shall appear in the Field so armed twice a Year, *Videlicet*, the first Monday in April, and the second Monday in October, except the County of Cape-May, which shall thus appear the third Tuesday in April, and the third Tuesday in October, at the Places appointed by their respective Captains or superior Officers, and continue in Arms but one Day at each Time, besides at other such Times when they may be called together by an Order in Writing under the Hand of the Captain-General, or Commander in Chief for the Time being, at such Places within each respective County as shall be by him appointed, to be taught the Use of their Arms. PROVIDED ALWAYS, That such Calling together in Writing as aforesaid, shall not exceed once in a Year, and said Persons to be kept in Arms but one Day at such Time, except in Case of Alarms.

Disobedience
to Officers,
and for Non-
Appearance,
how punish-
ed.

2. BE IT FURTHER ENACTED by the Authority aforesaid, That every Person so listed, that doth appear at the Times and Places aforesaid, shall be and are hereby subjected to the Commands of their proper Officers, and upon Disobedience it shall and may be lawful for the Captain or Commanding Officer to fine said Offender or Offenders any Sum not less than *One Shilling*, nor above *Ten Shillings*; and in case of Delay or Refusal to pay such Fine or Fines, then the said Captain or Commanding Officer may make out his Warrant to one of his Sergeants or Corporals, commanding him to take to his Assistance one or more of the Soldiers under his Command, if Occasion should require, and take the Body of the said Offender or Offenders, and deliver him or them to the Gaoler of the said County, who is hereby required and commanded to take the said Offender or Offenders into his Custody, and keep him or them in close Gaol for such Time as shall be expressed in the Captain's Warrant, not exceeding three Days; and at the Expiration of said Time, or on Payment of the said Fine or Fines, then the said Offender or Offenders to be discharged, paying to the Gaoler *One Shilling* for his Fees, and no more.

Officers and
Soldiers to
behave well
while under
Arms.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Officer shall beat or abuse any of the Soldiers whilst under Arms on any such Days of Training as aforesaid: But if any Soldier shall, during that Time, use any reproachful or abusive Language towards any of his superior Officers, or shall quarrel himself, or promote any Quarrel amongst his Fellow-Soldiers, or appear in Arms disguised in Liquor, it shall and may be lawful for the Captain or Commanding Officer to disarm such Soldier at the Head of his Company, and to set a Centinel over him during the Time of the Company's being in Arms

Arms and no longer, or to fine him in Manner and Form aforesaid, as the said Captain or Commanding Officer in his Discretion shall think proper.

4. BE IT FURTHER ENACTED *by the Authority aforesaid*, That every of the Persons aforesaid, that appears at the Times and Places aforesaid, without the Arms and Ammunition aforesaid, shall forfeit and pay to their respective Captain or Commanding Officer as followeth, *Videlicet*, For want of a Mullet or Fuzee *Two Shillings*, if not well fixed *One Shilling*; for want of three Charges of Powder and three fixable Bullets *One Shilling*; for want of a Sword or Bayonet *One Shilling*: Which said Sums of Money shall be applied by said Captain to the Purchasing Drums and Colours for his Company.

Penalties on
appearing
without
Arms, &c.

Application.

5. BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Captain-General or Commander in Chief for the Time being, in case of any Invasion, Insurrection, or Rebellion, to call so many of the Persons aforesaid together, for repelling the Force of the said Enemy, or quelling the said Insurrection or Rebellion, or order such Detachments for the common Defence as he shall think fit, to follow and pursue the said Enemy into any of the neighbouring Governments, for the repelling or taking them Prisoners, and Preservation of His Majesty's Subjects and Government.

Power of the
Captain-Ge-
neral in case
of Invasion,
&c.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful, and such Captains or other Commanding Officers that live near such Places where an Enemy may come, are hereby required and commanded on any Descent or Invasion of an Enemy, or on their Landing, or Danger thereof, to call all or so many of their respective Companies together as shall be thought necessary to expel the said Enemy, and forthwith attack them; or otherwise to do the best that lies in their Power to distress, stop and hinder them in their intended Invasion or Plundering. And said Captains and Commanding Officers are hereby further required and commanded, as soon as possible, to send Notice of such Descent or Invasion to the Governor or Commander in Chief for the Time being.

Power of
Captain, &c.
in case of In-
vasions, &c.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in Times of any Invasion, Insurrection, Rebellion or Alarm as aforesaid, all the Officers and Persons so enlisted as aforesaid, that shall be commanded to their Arms, by Order of the Captain-General, or Commander in Chief, or other Officer or Officers, during the Time or Times of such Invasion, Insurrection, Rebellion or Alarm, are hereby made subject to the Pains and Penalties of the Martial Law, so that the Punishment do not extend to the taking of Life or Member.

In Time of
Invasion, &c.
all subject to
Martial Law.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the Governor or Commander in Chief for the Time being, in Time of Danger, shall think fit to direct a Watch to be kept in any Place or Places within this Colony, the Colonel, Lieutenant-colonel, Major or other Commanding Officer, in each respective County where such Watch shall be appointed to be kept, to whom such Directions shall be signified, shall issue out his Orders to the several Captains under his

Governor
may appoint
Military
Watches, &c.

N R

Command,

Command, to appoint such and so many Men to appear with their Arms at such Times and Places as such Colonel, or Commanding Officer, shall appoint; which Watch so appointed shall be equally relieved by Order of the Commanding Officer of said Company, and so equally through all the Companies of the said County. And every Person or Persons neglecting or refusing to appear himself, or to send a sufficient Man in his Room, to watch during the Time and at the Place appointed, shall forfeit the Sum of *Ten Shillings* for each Offence; and every Person that shall leave the said Watch, until he is relieved by some other Person appointed to watch in his Room, shall forfeit *Forty Shillings*; which Forfeitures shall be recovered before any Justice of the Peace of the County where said Offence or Offences is or are committed, with Costs of Suit; one Half to the Informer who shall prosecute the same to Effect, the other Half to be paid to the Captain for the Uses hereafter mentioned. PROVIDED ALWAYS, That no Person or Persons shall be obliged to continue longer on the Watch than twenty-four Hours at one Time, any Thing in this Act to the contrary notwithstanding. And such Watch, upon the Approach of an Enemy or otherwise, shall make such Signals, and give such Alarms, as he shall be directed by the Officer appointing him; and every Officer or Soldier, upon hearing such Alarms, and seeing such Signals, shall obey such Orders for the repeating the same or calling together, or marching his Regiment, Troop or Company, as he shall receive from his Officer, or Commanding Officer in such Case.

Penalty on Persons neglecting to watch when appointed.

Time of continuing on the Watch, &c.

Watch to make Signals, &c.

Penalty on refusing to serve as Sergeants, Corporals, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person be appointed to be Sergeant, Corporal or Drummer, and shall refuse said Office, or neglect or refuse to do any of the Duties required of them by this Act, he shall forfeit for each Offence the Sum of *Twenty Shillings*, to be recovered before any Justice of the Peace within the County where said Offence or Offences are committed, one Half to the Informer who shall prosecute the same to Effect, the other Half to be paid to the Captain for the Use hereafter mentioned. PROVIDED ALWAYS, That none be appointed Sergeants, Corporals or Drummers, but such as have or shall appear in Arms as aforesaid. PROVIDED ALSO, That no Person be fined but once for the Refusal of either of said Offices.

Every Person enlisted to be always provided with Arms.

Penalty on Defaulters.

10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person listed as aforesaid, within this Colony, and who hath or shall appear in Arms as aforesaid, shall always be provided with one good sufficient Musket or Fuzee, well fixed, a Cartouchbox or Powderhorn, one Pound of Powder, twenty-four sizeable Bullets, three Flints and a Sword or Bayonet in his House or Place of Abode; and, as often as any of the said Persons shall be deficient in keeping the Arms and Stores aforesaid, he shall forfeit and pay to the Captain of the Company where such Offence is committed the Sum of *Four Shillings*, for the Use hereafter appointed. And each respective Captain within this Colony is hereby empowered and required to order and appoint their Sergeants to examine the same once a Year.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person so listed, that shall not appear at the Times and Places aforesaid,

aforesaid, to be taught the Use of their Arms, shall forfeit and pay the Sum of *Four Shillings* for each of the said Days Absence to the Captain of the Company to which they belong, except in Cases of Sickness or other reasonable Excuse, to be allowed by the Captain or Commanding Officer, for the Time being, of their respective Companies to which they belong. And if any Person or Persons shall neglect or refuse to pay each of their respective Forfeitures aforesaid, the said Captain or Commanding Officer is hereby required and commanded to issue out his Warrant to one of his Sergeants or Corporals, to make Distress upon every such Defaulter's Goods and Chattels, for neglecting or refusing to pay as aforesaid, provided such Distress be made in a reasonable Manner, and but once a Year for all the Defaults committed that Year before the Time of such Distress; and shall expose the said Goods to Sale by publick Vendue; and, after Sale thereof, pay the Forfeitures to the Captain as aforesaid, and return the Overplus, if any be, to the Owner thereof, after deducting *One Shilling* for his Trouble for each Distress, which he is hereby allowed to take. PROVIDED ALWAYS, That no such Distress be made on the Arms and Ammunition the Persons so listed are obliged to provide themselves with by this Act.

Penalty on Non-Appearance to Muster.

Forfeitures how to be recovered.

12. AND BE IT ENACTED *by the Authority aforesaid*, That all the Fines and Forfeitures (except those aforesaid for purchasing Drums and Colours) shall be applied by the Captain or Commanding Officer of each respective Company, for providing the Arms and Ammunition, required by this Act, for such Persons so listed that shall be adjudged not to be able to provide themselves with the Arms and Ammunition aforesaid, in Manner hereafter mentioned. PROVIDED ALWAYS, That it shall and may be lawful for the said Captains or Commanding Officers to retain in their Hands Five per Cent out of the Money so levied and applied.

How applied.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Captain, Lieutenant and Ensign of each respective Company, or any two of them, shall meet together at such Time and Place as said Captain or the Commanding Officer for the Time being shall appoint, within the Township or District wherein he is Captain or Commanding Officer, and then and there adjudge which of said Persons so listed are not able to provide themselves with the Arms and Ammunition aforeaid: All which said Persons shall be and are hereby exempted from the Fines and Forfeitures aforeaid, for not appearing at the Times and Places aforeaid, until such Time that they are provided for with Arms and Ammunition, or until such Time that the said Captain, Lieutenant and Ensign, or any two of them, shall judge them able to provide Arms for themselves.

Persons unable to provide Arms, exempted from Fines, &c.

14. AND, to prevent the said Arms being seized by an Enemy, or Persons disaffected to the Government, BE IT ENACTED *by the Authority aforeaid*, That the Arms and Ammunition aforeaid, that shall be purchased as aforeaid, shall be distributed by each Captain or Commanding Officer of each respective Company, so as there be lodged but two of such Muskets or Fuzes, and but one Pound of such Powder, and twenty-four Bullets in one House, in the Custody or Care of some of

Arms, &c. how to be distributed.

of the principal Freeholders within said Captain's District or Division : And, upon Alarms or Mustering Days, the said Arms shall be delivered to such Persons to whom they were to be lent as aforesaid, with such a Quantity of Ammunition as is required of others to bring into the Field ; and, as soon as the said Alarm or Mustering Day is over, the Captain shall order the said Arms to be returned to the Persons that had them in Keeping, with the Ammunition aforesaid, only allowing so much to be deducted as the said Captain shall permit to be expended.

Parents and Masters to pay the Fines of Sons or Servants.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That where young Men that dwell with their Parents or Masters, and lifted as aforesaid, shall neglect or refuse to do the Duties required of them by this Act, then, and in that Case, their Fines and Forfeitures shall and may be levied out of their Parents or Masters Estate, any Law or Custom to the contrary in anywise notwithstanding ; unless the Captain, Lieutenant and Ensign, or any two of them as aforesaid, shall adjudge the said Parents or Masters not to be able to furnish the Son or Apprentice with the Arms and Ammunition required by this Act ; then, and in that Case, the said young Men shall have such Arms and Ammunition lent them, as the Persons aforesaid have, and be also exempted from the Fines and Penalties for not appearing at the Times and Places aforesaid, until provided as before directed.

Volunteers in unregimented Companies to perform their Duty as others.

16. AND WHEREAS several Persons have or hereafter may list themselves as Volunteers in unregimented Companies, and under Pretence thereof may say, that they are excused from doing the Duties required of them by this Act ; which Practice, if admitted of, will much lessen the Number and Regulation of the Militia of this Colony ; for Remedy whereof, BE IT ENACTED *by the Authority aforesaid*, That every Person or Persons that already hath or hereafter shall list him or themselves into said unregimented Companies shall be and are hereby made subject to the Commands of their proper Officers, and shall meet at the Times and Places appointed by this Act, to be taught the Use of their Arms, and provide themselves with such like Arms and Ammunition as is required of others to provide, and do every other Matter, Duty and Thing required by this Act of others that serve in Regiments, under the same Pains and Penalties, any Law, Custom or Usage to the contrary in anywise notwithstanding.

Foot Soldiers may list to serve in Troops of Horse.

17. BE IT FURTHER ENACTED *by the Authority aforesaid*, That if the Governor, or Commander in Chief for the Time being, shall think fit to grant Commissions for the Command of any Troops of Horse in this Colony, it shall and may be lawful for so many of the Persons enlisted by the several Captains aforesaid, to list themselves to serve in said Troop or Troops of Horse, being able to provide themselves with the Troopers Accoutrements hereafter mentioned. And when the Commanding Officers of said Troop are ready, and shall exercise said Troop, then, and not before, the said Persons so listed in said Troop, shall be and are hereby exempted from their Service in the Foot Companies.

18. AND

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That said Troopers, being so enlisted, are hereby subjected to the Commands of their proper Officers, and, upon Disobedience, shall be under the same Fines and Penalties that the other Persons serving on Foot are : And also the said Troopers shall be under the same Fines, Penalties, Forfeitures and Payments, for their not appearing at such Times and Places aforesaid, as the Footmen are by Virtue of this Act.

Troopers under the same Penalties, &c. as Foot Soldiers.

19. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person, so enlisted to serve in a Troop, shall be provided with a good Horse, a good Saddle and Bridle, Hoisters and Case of Pistols well fitted, Sword or Cutlafs, Cartouchbox, and three Charges of Powder and Ball, and shall constantly appear so armed at the Times and Places appointed for Muster and Exercise; and shall keep at his Place of Abode, besides the Arms and Ammunition aforesaid, a well fixed Carbine, with Bolt, Swivel and Sling, Half a Pound of Powder, and twelve sizeable Bullets, and bring the same into the Field when specially required, which the Captain or Commanding Officer shall send one of his Sergeants to examine into once a Year.

Troopers how to be provided.

20. AND BE IT ENACTED *by the Authority aforesaid*, That each and every of said Persons so enlisted in a Troop, that shall be deficient in keeping the Arms and Stores aforesaid, at the Place of his Abode, shall forfeit and pay as follows, *Videlicet*, for want of a Carbine *Two Shillings*, if not well fixed *One Shilling*; for want of a Bolt, Swivel and Sling, *One Shilling*; for want of Half a Pound of Powder and twelve sizeable Bullets *One Shilling*: And every one of said Troopers that shall appear at the Places before appointed without the Arms and Accoutrements required as aforesaid, he shall forfeit and pay as follows, *Videlicet*, for want of a good Horse *Two Shillings*; for want of a good Saddle and Bridle *One Shilling*; for want of a Case of Pistols *One Shilling*; for want of three Charges of Powder and three sizeable Bullets *One Shilling*: All which Fines and Forfeitures shall be paid to the Captain as aforesaid, to be applied to purchasing Arms and Ammunition as aforesaid, for the Use aforesaid, and to be levied and accounted for in Manner aforesaid.

Penalties on Defaulters.

21. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That each Captain or Commanding Officer of every Company in this Colony, shall account for all such Fines and Forfeitures, so by him to be received, before any Justice of the Peace, and the two Freeholders chosen in the said Township or District wherein he is Captain or Commanding Officer, by Virtue of an Act, entitled, *An Act for raising of Money for building and repairing of Gaols and Courthouses, &c.* * at such Time and Place as the said Justice of the Peace shall appoint. And if, upon such Accounting, it shall appear that any Captain or Commanding Officer shall not have expended and laid out all such Fines and Forfeitures (except those before excepted for Drums and Colours) in purchasing Arms and Ammunition aforesaid; then if said Sum shall appear to be *Five Pounds* or under, it shall and may be lawful, in case of Refusal or Neglect of the said Captain or Commanding Officer, to pay the same to the said Justice and Freeholders for the said Justice of

Captains, &c. to account for the Fines they receive.

O o

the

* Chap. XXXVII.

the Peace, and he is hereby required and commanded to issue his Warrant to any Constable, commanding him to make Distress upon the said Captain's or Commanding Officer's Goods and Chattels, and expose the same to Sale by publick Vendue; and, out of the Money arising by such Sale, he shall pay to the said Justice of the Peace and said two Freeholders, so much Money as the said Captain or Commanding Officer is found not to have laid out, returning the Overplus to the Owner, if any be, after deducting the lawful Fees for the Warrant, Distress and Sale. And if said Sum exceed *Five Pounds*, then it shall and may be lawful for the said Justice and Freeholders, for the Time being, in their Names, to sue the said Captain or Commanding Officer in any Court where the same is cognizable, by Action of Debt, to be recovered with Costs of Suit, and applied by the said Justice and Freeholders to the purchasing the Arms and Ammunition aforesaid.

Penalty on
Refusal or
Neglect.

22. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Captain or Commanding Officer shall refuse or neglect to account as aforesaid, he shall forfeit *Five Pounds* for every such Neglect or Refusal, with full Costs of Suit, to be recovered by Action of Debt by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person or Persons that shall prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

Penalty on
selling strong
Liquor near
the mustering
Place.

23. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Innholder, or any other Person or Persons whatsoever, without Leave from the Captain or Commanding Officer for the Time being, shall presume to sell any strong Liquor to any of the Persons so listed, in such Days or Times that they are obliged to appear in Arms at the Place of Mustering or Training, or within a Mile thereof, until after they are dismissed for that Day; and every Person or Persons so selling strong Liquor, contrary to the Directions of this Act, shall forfeit the Sum of *Three Pounds*, to be recovered by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person as will prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

No civil Pro-
cess to be
served on
Officers or
Soldiers on
the Day of
Training.

24. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Summons, Warrant, Writ, or other Process, unless at the Suit of the King, shall be served upon any Officer or Soldier on the Day or Days of such training and appearing in Arms as aforesaid, but that all such Persons shall be free from Arrest, and have Liberty and Privilege of going and returning to their respective Places of Abode, without Let, Suit or Hindrance on those Days.

Ferry-men to
take but half
Ferryage of
Soldiers on
mustering
Days.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case there shall be Occasion for the said Officers and Soldiers to pass or repass any River or Place where a Ferry or Ferries are kept, in going to or returning from the Place of training or appearing in Arms as aforesaid, the Ferry-men, Owners or Keepers of all such Ferries, are to take and receive of all such Officers and Soldiers only half Ferryage, for such carrying over and bringing back all such Officers, Soldiers, and their Horses. And in case any Ferryman, Owner or keeper of such

such Ferry or Ferries, shall neglect to attend, or refuse carrying or bringing back all such Officers or Soldiers, or their Horses as aforesaid, the said Ferryman, Owner or Keeper of such Ferry or Ferries, shall forfeit and pay the Sum of *Three Pounds* Proclamation Money, to be recovered by the Captain or Commanding Officer of such Company, in any Court in this Colony where the same is cognizable, and when recovered, to be applied to the purchasing of Arms and Ammunition as aforesaid.

Penalty on
Refusal or
Neglect.

26. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall continue and be in Force for one Year after the Publication hereof, and from thence to the End of the next Session of General Assembly, and no longer.

Limitation.

This Act has been continued and sometimes amended pro tempore by sundry Acts since, and stands limited by Chap. DXXXIX to the first Day of *May* 1777, and from thence to the End of the next Session of Assembly.

At a GENERAL ASSEMBLY held at
Perth-Amboy from the Eleventh to the Twenty-eighth
Day of June 1746, in the Twentieth Year of the Reign of
King George the Second, the following Laws were passed.

SESSION THE SECOND.

JOHN HAMILTON, Esquire, President.

CHAP. CCI. *An Act to encourage the enlisting of Five Hundred Freemen, or native well affected Indians, in this Colony of New-Jersey, for His Majesty's Service in the present Expedition against Canada; for making Provision for their Subsistence for four Months; for transporting them to Albany in the Province of New-York; and for defraying the Expence thereof out of the Interest Money arising from the Loans of the Bills of Credit of this Colony.*

Obsolete.

The King, it appears by this Act, had engaged that the Forces to be raised should have the usual *British* pay, expecting the Colony would find them Provisions, which were accordingly provided.

CHAP. CCH. *An Act for making current Ten Thousand Pounds in Bills of Credit, to enable the Honourable John Hamilton, Esquire, Commander in Chief of this Colony, or the Commander in Chief for the Time being, to defray the Expence of Arming and Cloathing the Forces to be raised in this Colony, for His Majesty's Service, in the present Expedition against Canada; and directing the Manner of sinking the said Bills of Credit.*

Obsolete.

This Money was issued under an Expectation of the Colony's being reimbursed a reasonable Allowance for providing Arms and Cloathing for the Forces, which it was designed to raise and equip, agreeable to Instructions given by the Crown to General *St. Clair* for that Purpose.

These Acts were passed June 28, 1746.

At

C H A P. CXXX.

A Supplementary A C T to the A c t, entitled, An A c t for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions ; As also for continuing such Parts and Clauses of the said Law as are not altered and amended by this A c t.

SECT. I. **B**E IT ENACTED by the Governor, Council, and General Assembly of this Colony, and it is hereby Enacted by the Authority of the same, That every Captain within this Colony, who already is, or hereafter shall be appointed, shall make a true and perfect List of all the Men that now do, or hereafter shall dwell within the Districts or Divisions of which they are or shall be Captains, between the Age of Sixteen and Fifty Years (except the Gentlemen of his Majesty's Council, the Representatives of the General Assembly, Protestant Ministers of the Gospel, of every Denomination and Persuasion, Magistrates, Sheriffs, Coroners, Constables, and all Field-Officers and Captains, who heretofore have, now do, or hereafter shall bear such Commissions; Ferry-men, one Miller to each Grist-Mill, bought Servants and Slaves) and all and every Person and Persons so enlisted as aforesaid, shall appear upon the Parade appointed by their Captains or superior Officers, three Times in the Year; to wit, On the Second Monday in April, on the First Monday in October, and on the First Monday in November; where they shall be taught the Use of their Arms, by their said Captains or other commission Officers: And every Person so appearing, shall be compleatly armed, with one good Musket or Fusée well fixed, a Sword or Bayonet, a Cartouch Box or Powder-Horn, three Charges of Powder, and three sizable Bullets; and the said Persons shall continue under Arms but one Day at each Time: Besides at such other Times when they may be called together, by an Order in Writing, under the Hand of the Captain General or Commander in Chief for the Time being, at such Places in each respective County as shall be by him appointed,

Captains to make Lists of all the Men in their Districts

Persons to appear to be taught the Use of their Arms.

And to be furnished with Arms, &c.

Persons to continue under Arms but one Day at each Time.

A. D. 1757.

One general
Muster in a
Year allowed.

appointed, to be taught the Use of their Arms. *Provided always*, That such calling together in Writing as aforesaid, shall not exceed once in a Year, and said Persons to be kept in Arms but one Day at such Time, except in case of Alarms.

Fines for Non-
appearance,
at the time of
Muster.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person so enlisted as aforesaid, who shall not appear at the Times and Places aforesaid, to be taught the Use of their Arms, shall forfeit and pay (in Lieu of the Fines for Non-appearance in the afore recited Act) the Sum of *Six Shillings*, for each of the said Day's Absence, to the Captain of the Company to which they belong, except in Cases of Sickness, or other reasonable Excuse, to be allowed of by the Captain or other commanding Officer of the said Company. And if any Person so enlisted as aforesaid, shall appear at the Times and Places aforesaid, and not under Arms, but as a Spectator or Looker on, every such Person shall forfeit and pay to the Captain of the Company in which he is so enlisted, the Sum of *Twelve shillings*, for his Contempt in not joining the said Company with his Arms, as is by this Act directed.

Captains to
make out a
List of the De-
faulters, &c.
and deliver
the same to
some Justice
of the Peace,
who is to issue
his Warrant
to the Con-
stable to make
Distress.

Forfeitures to
be applied as
by the former
Act is directed

The Distress
not to be made
on the Arms
or Ammuni-
tion, &c.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall neglect or refuse upon Demand, to pay any of the Forfeitures incurred by this or the former recited Act, to the Captain or his Order, as thereby directed, every such Captain is hereby required to make out a true and exact List of the Names of all such Defaulters, together with the Sum and Sums annexed by them so forfeited, and shall deliver the same to any one Justice of the Peace of the County wherein such Delinquents reside, (such Justice not being one of the People called *Quakers*) and every such Justice is hereby required and commanded forthwith, to issue his Warrant, without Fee or Reward, to any one of the Constables of the same County, to make Distress upon every such Defaulter's Goods and Chattels so neglecting or refusing to pay as aforesaid; and to expose the said Goods and Chattels to Sale by Public Vendue, in the usual Manner; and after the Sale thereof, the said Constable shall forthwith, pay to every such Captain the Forfeitures recovered as aforesaid, to be by him the said Captain, applied to the Use and Uses in the said former recited Act appointed; and shall then return the Overplus (if any be) to the Owner, after deducting *One Shilling* for his Trouble for each Distress and Sale, which he is hereby allowed to take. *Provided always*, That every such Distress shall be made in a reasonable Manner, and not upon the Arms and Ammunition the Persons so enlisted are obliged to provide themselves with by this Act, and but once in every Year.

4. AND

A. D. 1757.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Person so inlisted as aforesaid within this Colony, shall always be provided with one good Musket or Fufee, well fixed, a Cartouch Box or Powder-Horn, one Pound of Powder, Twenty-four fizable Bullets, three Flints, and a Sword or Bayonet, in his House or Place of Abode: And as often as any of the said Persons shall be deficient in keeping the Arms and Stores aforesaid, he shall forfeit and pay to the Captain of the Company where such Offence is committed, the Sum of *Four Shillings*, for the Use in the former recited Act appointed. And each respective Captain within this Colony, is hereby impowered and required, to order and appoint their Serjeants to examine the same once in every four Months at farthest.

Persons always to be provided with arms and Ammunition, under the Penalty of *Four Shillings*.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Innholder, or any other Person or Persons whatsoever, shall presume to sell or give any strong Liquor to any of the Persons so listed, on such Days or Times that they are obliged to appear in Arms, until after they are dismissed for that Day; and every Person or Persons so selling or giving strong Liquors contrary to the Directions of this Act, shall forfeit the Sum of *Three Pounds*; to be recovered by any Person that will sue for the same, before any Justice of the Peace; the One-half to such Person as will prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

No Person to sell any strong Liquors to persons during their Continuance under Arms.

Penalty.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in Times of any Invasion, Insurrection, Rebellion or Alarm, in this Colony, all the Officers, and Persons so inlisted as aforesaid, who shall be commanded to their Arms by Order of the Captain General or Commander in Chief for the Time being, or other Officer or Officers by Virtue of the former recited Act, during the Times of such Invasion, Insurrection, Rebellion, or Alarm, are hereby made subject to such Pains and Penalties for Non-appearance and Disobedience, as shall be inflicted upon them by Sentence of a Court-Martial; which Court-Martial shall consist of a Field Officer, Four Captains and Two Lieutenants of the said Militia, who shall be under Oath to execute Justice impartially; which Oath any Field Officer or Magistrate may administer: And every such Court Martial (during the Times of such Invasion, Insurrection, Rebellion, or Alarm as aforesaid,) are hereby authorized and impowered to inflict such Pains and Penalties on all and every Offender and Offenders, as the said Court, in their Discretion, shall think they justly deserve. *Provided*

Officers and Soldiers made liable to be censured by a Court-martial in Time of Invasion, &c.

O o

always,

A. D. 1757.

always, That no such Pains and Penalties shall extend to the taking of Life or Member.

Detachments to be made from the Militia to march to the Assistance of the neighbouring Colonies invaded by an Army of the Enemy.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if either of the neighbouring Provinces of *New-York* or *Pennsylvania*, shall happen to be attacked by an Army of the Enemy within One Year from the Publication of this Act, and shall request the Aid and Assistance of this Colony in such their Distress, upon Application of the Governor or Commander in Chief thereof for the Time being, with the Advice of his Council; it shall and may be lawful for the Governor or Commander in Chief by and with the Advice and Consent of his Majesty's Council of this Colony, upon certain Advice of such Attack as aforesaid, to order a Detachment of so many of the Militia of this Colony, as they the said Governor and Council in their Discretion shall think expedient, and the Necessity of the Case may require, to march into either of the said neighbouring Provinces, of *New-York* or *Pennsylvania*, to their Aid and Assistance as aforesaid :

Detachment to return into this Colony in 20 Days.

Directions of making said Detachments.

Provided Nevertheless, That it shall and may be lawful for every such Detachment, to return into this Colony in the Space of Twenty Days after their leaving the same, unless it shall be thought necessary by an Act of General Assembly of this Colony, to continue the said Detachment longer in the said Service. And the Detachment of the said Militia shall be made in the following Manner, *to wit*, upon Request, and certain Advice of such an Attack as aforesaid, the Governor or Commander in Chief, by and with the Advice and Consent of the Council as aforesaid, shall order so many Men (not exceeding One Thousand in the Whole) to be enlisted out of the several Regiments in this Colony, as shall be sufficient to make up the Detachment so ordered as aforesaid, equally, and in Proportion to the Number of Men of which each Regiment shall consist, together with proper Officers suitable to the said Detachment; and the Whole to be commanded by a Colonel, to be appointed by the Governor, or Commander in Chief, out of the Militia Colonels, or other Field Officers; and the Governor shall immediately issue his Warrants to the Colonels or Commanders of the said several Regiments of Militia of this Colony, commanding each of the said Colonels or Commanders, forthwith to summon the Captains of each of the Companies of his said Regiment, to meet together at such Time and Place as the said Colonel or Commander shall appoint; and each of the said Captains so summoned and appearing as aforesaid, shall make out a List of such and so many Men of his said Company, as shall be wanted to make up a proportionable Number of the Militia so ordered to march as aforesaid; and the

A. D. 1757.

the said List being approved of by the Colonel of the Regiment from which they are draughted, shall be returned to the Commanding Officer of such Detachment: And every Person so entered upon the List as aforesaid, shall appear himself (or provide an able-bodied Man to appear in his Room) at the Time and Place appointed by the Commander of the said Detachment for the general Rendezvous, complealy armed with one good Musket or Fufee well-fixed, a Sword or Bayonet, a Cartouch-Box or Powder-Horn, one Pound of Powder, and Twenty-four sizable Bullets. And for an Encouragement for every Person enlisted, to go upon the said Service, there shall be paid to the Officers and Men so detached as aforesaid, (on their Return into this Colony) during their Continuance in the said Service, the Sums following, *to wit*, To the Colonel or Commander of the said Detachment, the Sum of *Six shillings* per Day; To each Captain the Sum of *Four shillings* per Day; To each Subaltern Commiffion Officer, the Sum of *Three shillings* per Day; To each Serjeant and Corporal, the Sum of *Two shillings* per Day; And to each private Man, the Sum of *One shilling and Eight-pence* per Day.

Persons detached how to be provided.

Their Pay.

Provinces requesting such Aid to furnish Provisions for the said Detachment, &c.

Provided always, That either of the said Provinces so requesting such Aid and Assistance as aforesaid, shall provide good and sufficient Provisions for the said Detachment during their Continuance in the said Province, with Carriages, Quarters, and such other Necessaries as may be wanted, for the Convenience of their Marching and Encampment. And in case either of the said Provinces shall neglect or refuse to make such Provision as aforesaid; that then and in such case, it shall and may be lawful for such Detachment to return immediately into this Colony; any Law or Order to the Contrary in any wise notwithstanding. And that the Power hereby given, and Directions in this Clause, shall not be and remain in Force longer than one Year. And the said Detachment of the Militia, are hereby made subject to the Rules, Orders and Commands of their own Officers: And during the Continuance of the said Detachment in either of the neighbouring Provinces aforesaid, the Officers and Soldiers are hereby made liable to such Pains and Penalties for Disobedience to Command, Neglect of Duty, and other Offences of the like Nature, as shall be inflicted upon them by the discretionary Sentence of a Court-Martial, compos'd of their own Commiffion Officers, or the Majority of them, and no other Officers whatsoever; at which Court Martial, the Second Officer in Command of the said Detachment shall always preside. *Provided always*, That no such Pains and Penalties shall extend to the taking of Life or Member.

This Clause not to be in Force longer than one Year.

Said Detachment made subject to the Commands of their own proper Officers & liable to the Pains and Penalties of a Court-martial compos'd of their own commiffion'd Officers.

8. AND

A. D. 1757.

Unregimented
Companies to
furnish their
proportion-
able Number
of Men for
such Detach-
ments.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That whenever the Governor or Commander in Chief, shall order such Detachment as aforesaid, he shall also issue his Warrant to the Captain of every Company of Cadets, or unregimented Company in this Colony, commanding each Captain to make out a List of such and so many Men under his Command, as shall make up their Proportion of such Detachment, and each of the said Captains shall return every such List forthwith to the commanding Officer of such Detachment. And every such Person thus inlisted as aforesaid, shall appear compleatly armed and provided with Ammunition as aforesaid, at the Times and Places prefixed by this Act, and shall be under the Command of the Officers of the said Detachment; and for Neglect of Duty, Disobedience to Command, and other Offences of the like Nature, shall be subject and liable to such Forfeitures, Pains and Penalties in every Respect, as is already ordered and directed by this Act in case of the Militia as aforesaid, and to be recovered and applied in the same Manner and Form.

Captains, &c.
neglecting or
refusing to do
the Duties re-
quir'd of them
to forfeit 40 l.

How to be
recovered and
applied.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Captain, or commanding Officer of any Company in the several Regiments of Militia of this Colony, or any Captain or commanding Officer of any of the Companies of Cadets, or unregimented Companies of this Colony; or any Captain or commanding Officer of any of the Troops of Horse within this Colony, shall hereafter neglect, delay, or refuse to do and perform, the several Duties and Services required of him or them to be done and performed by this Act, or by the before recited Act, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions*; every such Captain or commanding Officer, for every such Neglect, Delay, or Refusal as aforesaid, shall forfeit and pay the Sum of *Forty Skillings*, for the Use of each Company to which he or they shall belong: And the two Freeholders chosen for each Township or Precinct in which such Captain shall live or reside; or in case of their Refusal or Neglect, any other Person, having a real Estate in the said County, is and are hereby impowered, required and directed, to sue for and recover the said Forfeiture and Forfeitures, by Action of Debt, before any one Justice of the Peace of the County where such Forfeiture or Forfeitures shall arise: And when the same shall be recovered, the said Person or Persons is and are hereby required and directed, to lay out the said Money in purchasing Arms for the Use of the Company to which the said Captain shall belong.

10. AND

A. D. 1757.

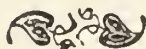
10. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Justice of the Peace of this Colony (not being one of the People called *Quakers*) shall neglect, delay, or refuse to do and perform the several Duties and Services required of him to be done and performed by Virtue of this Act, or the before recited Act; then and in such case, every such Justice so neglecting, delaying or refusing as aforesaid, shall forfeit and pay for every such Offence, the Sum of *Five Pounds*, to every such Captain, or commanding Officer of the Militia, or other Person or Persons who shall be empowered to require any such Services to be done and performed by the said Justice; and the said Fine shall be recovered of the said Justice so offending, by Action of Debt, in the usual Manner, before any one other Justice of the Peace of the said County where the said Offence shall be committed; and when recovered, shall be paid and applied in the same Manner and Form as is directed by this and the before recited Act.

Justices neglecting or refusing to perform the Duties required by this Act to forfeit £5.

How to be recovered and applied.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the before-mentioned Act, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions*; and every Clause, Article, and Thing therein contained, which are not altered, amended, and otherwise provided for by this present Act, together with this Act, (except the Clause relating to the Marching of the Militia into the neighbouring Colonies) shall be and remain in Force during the Continuance of the present War with *France*, and from thence to the End of the next Session of General Assembly, and no longer.

This Act (except the Clause for marching the Militia into the neighbouring Colonies) to be and continue 'till the end of the present War with *France*, &c.



At a GENERAL ASSEMBLY held at Burlington from the Twentieth Day of November to the Twenty-first Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE FOURTH.

C H A P. DXXXIX.

*An ACT to continue and amend an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions.**

Passed Dec. 21, 1771.

WHEREAS the Act passed in the Nineteenth Year of the Reign of our late Sovereign Lord King George the Second, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions*, will expire at the End of this Session of Assembly; Preamble.

Sett. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions, shall be, and hereby is continued, and every Article and Clause therein contained shall be and remain in full Force, from the Publication hereof, to the first Day of May which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and from thence to the End of the next Session of the General Assembly of this Colony, and no longer.* Limitation:

2. AND WHEREAS it has been a Custom of late, in some of the Counties of this Colony, to choose the Militia Officers Constables; for preventing the same for the Future, BE IT ENACTED *by the Authority aforesaid*, That, during the Continuance of this Act, it shall not be lawful for any Court of General Quarter-Sessions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or choose any commissioned Officer, while in Commission, to be a Constable; any Law, Usage or Custom to the contrary notwithstanding. Commissioned Officers not to be chosen Constables.

C H A P. DXL.

An ACT for the Preservation of Deer and other Game, and to prevent trespassing with Guns.

Passed Dec. 21, 1771.

WHEREAS the Laws heretofore passed in this Colony for the Preservation of Deer and other Game, and to prevent trespassing Preamble.

* Chap. CC.

C H A P. XX.

An ACT for the better regulating the Militia.

Preamble.

WHEREAS it is at all Times of great Importance to the Safety of the State, that the Militia should be under proper Regulation and Government ; but more especially so at the present critical and interesting Period, in which the utmost Exertions of a well-disciplined Militia are occasionally necessary to defeat the Designs of the *British* Court, and to preserve and defend the Freedom and Independence of the United States of *America* ;

Lists to be made.

Sec^t. I. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That every Captain or Commanding Officer of a Company, who now is or hereafter shall be duly appointed and commissioned by the Governor, shall, immediately after the Publication of this Act, take a List of all able-bodied Men, not being Slaves (except as is herein after excepted) between the Ages of sixteen and fifty Years, who reside in his District, and are capable of bearing Arms ; a Copy of which List he shall deliver to the Colonel or commanding Officer of the Regiment or Battalion to which he belongs.

Returns to be made.

2. THAT every Captain or commanding Officer shall make Return of the Number of Men in his Company, their Accoutrements and Ammunition, at least quarterly, to the Colonel or commanding Officer of the Regiment to which he belongs ; and that every Colonel or commanding Officer of a Regiment shall make Return of the Condition of his Regiment, at least once in every six Months, to the Brigadier-General of the Brigade to which he shall belong ; on Failure whereof the Captain shall forfeit the Sum of *Thirty Shillings*, and the Colonel *Three Pounds* for each and every Offence, to be levied and appropriated in the Manner herein after directed.

Returns of the Brigades.

3. THAT each Brigadier-General shall make Return of the Condition of his Brigade once in six Months to the Commander in Chief of this State, under Penalty of *Ten Pounds* for each Default, to be levied and appropriated as herein after directed.

How to be equipped.

4. THAT every Person above directed to be enrolled shall bear Arms, attend Musters, and in all Things be conformable to the Rules and Orders herein after mentioned ; and shall, as soon as possible, furnish himself with a good Musket, well fitted with a Bayonet, Steel Ramrod, Worm, Priming-wire and Brush, a Knap sack, Cantcen, twelve Flints, Cartouch-Box, and twenty-three Rounds of Cartridges suited to his Gun, under the Forfeiture of *Five Shillings* for Want of a Musket, and *One Shilling* for the Want of any of the other Articles ; provided, that in case any Person shall be furnished with a good Rifle Gun, with all its necessary Apparatus, and a Sword, Cutlafs or Tomahawk, it shall be accepted in Lieu of a Musket and the Accoutrements proper thereto.

5. THAT every Person, directed to be enrolled as aforesaid, shall, at his

his Place of Abode, be provided with one Pound of good merchantable Gun-Powder, and three Pounds of Ball fitted to the Size of his Muffet or Rifle, under the Forfeiture of *Three Shillings* for Want of either. and provided.

6. THAT each whole Company of Militia do assemble, properly accounted as aforefaid, on the first *Monday* in every Month (except the Companies in the County of *Cape-May*, and those of the first Battalion of Militia in the County of *Salem*, who shall assemble, accounted as aforefaid, on the first *Saturday* in every Month) at such Place as the Captain or commanding Officer shall direct, *That is to say*, From the Month of *October* to the Month of *April* inclusive, they shall meet at ten o'Clock in the Forenoon, and from the Month of *May* to the Month of *September* inclusive, they shall meet at two o'Clock in the Afternoon, and there shall spend the Remainder of the Day in improving themselves in military Discipline, Exercise and Knowledge; and that a general Muster or Review be had of each Regiment three Times in every Year, at such Times and Places as the Field-Officers, or a Majority of them, shall direct: But if the local Situation of the Companies, which compose any Regiment, render it inconvenient to have a regimental Review, the Field-Officers, or a Majority of them, may review such Regiment in Divisions, provided each Division be reviewed three Times in a Year. Times of Muster.

7. THAT every Regiment be officered with a Colonel, Lieutenant-Colonel, two Majors, an Adjutant and Quarter-Master, and may be provided with a Chaplain, Surgeon and Mate; and that every Company shall be officered with a Captain, two Lieutenants and an Ensign; and that each Company shall appoint any Number not exceeding four Sergeants, four Corporals, one Drummer and one Fifer. How the Regiments and Companies are to be officered.

8. THAT in case any Person shall refuse or neglect to serve as a Sergeant, Corporal, Drummer or Fifer in any Company, being thereunto appointed as aforefaid, he shall forfeit the Sum of *Forty Shillings*; and any Sergeant who shall neglect or refuse to warn the Company to meet when required by the Captain or commanding Officer, shall forfeit the Sum of *Three Pounds* for every such Refusal or Neglect; provided that none be appointed Sergeants or Corporals but such as have actually appeared or shall appear in Arms; Provided also, That no Person be fined more than once a Year for refusing to accept any of said Offices. Fines for non-commissioned Officers refusing Duty.

9. THAT the following Penalties be inflicted on those who do not attend and obey orders on the Days appointed for general Musters or Reviews, *to wit*, On a Colonel the Sum of *Six-Pounds*, on a Lieutenant-Colonel *Five Pounds*, on a Major *Four Pounds*, on a Captain *Three Pounds*, Lieutenants, Ensigns, Adjutants and Quarter-Masters *Two Pounds* each, and upon Sergeants, Corporals, Drummers, Fifers, and all Privates directed to be enrolled as aforefaid, not less than *Seven Shillings and Six-pence*, nor more than *Twenty-two Shillings and Six-pence* for each and every Default, to be assessed at the Discretion of the Field-Officers of the Regiment, or a Majority of them, due Regard being had to the Estate and Circumstances of the Delinquents; and Penalties for Non-Attendance on general Musters.

K

that

that the same Penalties be inflicted on those Officers and Privates of Companies who do not attend properly accoutred, and obey Orders on the Times appointed for the Meeting of Companies, at the Discretion of the commissioned Officers of the Company to which the Delinquents belong. And if any commissioned Officer, at such Meeting of the Company or general Review, shall misbehave or demean himself in an unofficer-like Manner, he shall, for such Offence, be cashiered or otherwise punished by Fine, at the Discretion of a general or regimental Court-Martial, as the Case may require, so that such Fine exceed not the Sum of *Ten Pounds*, and in such Case due Regard shall be had to the Rank and Circumstances of the Offender.

Non-commissioned Officers or Soldiers misbehaving on Duty,

10. THAT any non-commissioned Officer or Soldier who shall, while on Duty, be found drunk, or who shall use reproachful or abusive Language towards any of his superior Officers, or shall quarrel himself, or promote any Quarrel among his Fellow-Soldiers, shall be disciplined by the Captain or commanding Officer at the Head of the Company, be turned out of the Ranks for that Day, and be fined by the said Captain or commanding Officer in any Sum not more than *Twenty Shillings*; and, if necessary, shall be put under Guard during the Time the Company shall continue under Arms, but no longer.

or appearing with bad Arms or Accoutrements.

11. THAT any non-commissioned Officer or Soldier who shall, on the Day appointed for the Meeting of the Company, or of a general Review, appear with his Arms or Accoutrements in an Order or Condition unfit for Service, shall be fined by the Captain or commanding Officer, in any Sum not less than *One Shilling*, nor more than *Five Shillings*.

Non-Attendance in due Season.

12. THAT any non-commissioned Officer or Soldier, who shall not attend in due Season on the Day appointed for the Meeting of the Company, or of a general Review, shall, in the first Case, be fined by the Captain or commanding Officer in any Sum not exceeding *Ten Shillings*, and, in the second Case, in any Sum not exceeding *Twenty Shillings*.

Persons unable to purchase Arms and Accoutrements, when to be exempted.

13. THAT any Person who, by a Majority of the commissioned Officers of the Company to which he belongs, shall be deemed unable to purchase the Arms, Accoutrements and Ammunition afore-mentioned, shall be exempted from the Payment of Fines, on appearing at the Time of Meeting or Review, without the necessary Equipment, until the same be provided for him.

Fines of Infants and Servants.

14. THAT the Fines of young Men living with their Masters, Mistresses, or Parents, who are above the Age of sixteen Years, and under that of twenty-one, and of white Servants who shall neglect or refuse to do the Duties enjoined by this Act, shall be levied on the Estates of the Masters, Mistresses, or Parents.

Lists of Delinquents, when and how to be transmitted.

15. THAT the Field-Officers, once in every six Months, and the Captains and Subalterns, once in every two Months, do transmit a List of Delinquents in their respective Departments, with the Fines annexed and properly attested, to any Justice of the Peace for the County in which

which such Delinquents reside. PROVIDED ALWAYS, That no such Lift shall be so returned till two Weeks after such Fines shall be awarded.

16. THAT the military Officers, in all Cafes where they are empowered to impose Fines on Delinquents, are hereby directed to admit reasonable Excuses, and thereon to discharge any Person fined from Payment of his Fine; provided such Fine be not returned to the Justice. Reasonable Excuses.

17. THAT the commanding Officer of every Regiment be and hereby is empowered and directed to receive any Fine awarded by the Field-Officers of the same, and to give Receipt therefor; and the commanding Officer of every Company is hereby empowered and directed to receive any Fine awarded by the Officers of the same, and to give Receipt therefor; provided the Payment of such Fine be offered before the Delinquent's Name be returned as aforesaid; and such commanding Officer shall, once in every six Months, transmit to the County Collector all Fines by him, and the Names of the Persons from whom received; and, in case of Default, shall forfeit the Sum of *Five Pounds*; to be recovered by said County Collector in any Court of Record where the same shall be cognizable, the one Half for the Use of the Poor of the Township where the Defaulter resides, and the other Half for the Use of the County Collector so suing for the same, with Costs of Suit; and such commanding Officer shall also, in such Case, be subject to an Action of Debt, at the Suit of such Collector, for the Recovery of the whole Sum by him received, with Interest on the same, and Costs of Suit. Who are to receive Fines.

18. THAT in all Cafes, where the Age of any Person shall be disputed, such Person shall prove his Age to the Satisfaction of a Majority of the Officers in the Limits of whose Company he resides. Age disputed.

19. THAT all Militia Officers shall take an Oath or Affirmation for the due Performance of their Trust, with Respect to the Assessment of Fines by Virtue of this Act. Militia Officers to be qualified.

20. THAT if any Person remove from the Limits of his own into those of any other Company, he shall be considered as belonging to the Company into the Limits of which he may remove, and shall be enrolled accordingly; and every Person, between the Ages of sixteen and fifty Years, capable of bearing Arms as aforesaid, who shall come from any of the neighbouring States into this State, shall, within two Weeks after his Arrival, be enrolled in the Company within the Limits of which he may happen to reside, and thereafter in every Respect be deemed to be one of said Company. Persons removing and Strangers coming.

21. THAT all Fines, herein before imposed upon any Officer or Soldier, shall, in case of Refusal of Payment, be levied on the Goods and Chattels of the Offender, by Warrant of Distress from a Justice of the Peace, directed to the Constable of the Township or District wherein such Offender shall reside; who shall, at least five Days before the Sale, give Notice thereof by Advertisements, in three publick Places in the Neighbourhood. Fines, how to be levied,

22. THAT the Fines and Forfeitures aforesaid, levied by any Constable, and paid.

stable, shall, when recovered, be paid to the Justice who issued the Warrant, who is hereby directed to pay the same to the Collector of the District in which the Offender resides.

Three Companies of Horse;

23. AND WHEREAS light Horse are extremely useful and necessary, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That three Companies of Horse shall be embodied in this State, and no more; that each Company shall consist of thirty-three Privates, and be officered by a Captain, Lieutenant and Cornet, who shall be considered as of equal Rank with the Captains, first Lieutenants and Ensigns of Foot Militia.

their Regulations,

24. THAT the Officers and Privates in every Troop shall, in every Respect (save that of Equipment and Forfeiture for Want thereof) be conformable to the Regulations herein established for the Government of the Foot Militia.

and Accoutrements.

25. THAT every Trooper shall furnish himself with a good Horse, a good Bridle and Saddle, Holsters and Case of Pistols well fitted, a Sword or Cutlafs, a well fixed Carbine, with Belt, Swivel and Sling, and a Cartouch Box that will contain twelve Rounds of Cartridges, under the Forfeiture of *Six Pounds* for the Want of a Horse, and of *Twenty Shillings* for the Want of a Saddle and Bridle, or Carbine, or Holsters and Case of Pistols, and of *Three Shillings* for the Want of any of the other Articles.

Troopers to have Powder and Ball.

26. THAT every Trooper shall, at his Place of Abode, be provided with one Pound of good merchantable Gun-Powder, and three Pounds of Ball fitted to his Carbine and Pistols, under the Forfeiture of *Three Shillings* for the Want of any of the said Articles: All which Fines and Forfeitures shall be levied and paid in Manner aforesaid.

Who may enlist in the Horse.

27. THAT no Person, save such only as is able to furnish himself with all the Accoutrements necessary to equip a Trooper, shall enlist in any of the said Companies of Horse.

Pay and Rations of the Horse.

28. THAT the Horse Militia, when in actual Employ, shall, as a Compensation for their personal Service, have the same Pay, Rations and Allowance as the Horse of the United States of *America*; and, as the Horsemen furnish themselves with Horses, they shall, when in actual Service, be allowed at the Rate of *One Shilling and Six-pence* a Day over and besides the Continental Pay, as a Compensation for the Use of their Horses.

Power of the Captain-General.

29. THAT the Captain-General or Commander in Chief for the Time being, in case of Invasion, Insurrection or Alarm, or in Time of War, may, and he is hereby empowered to call into actual Service the whole Militia, or to order such Detachments as he shall judge necessary; and on Application of the Congress, or the Commander in Chief of the Continental Army, it shall and may be lawful for the Commander in Chief of this State for the Time being, with the Advice of the Legislature when sitting, or, in their Recess, with the Advice of the Privy Council, to order the said Militia, or any Part thereof, to assist the Continental

tinental Army in any of the neighbouring States : And that any Militia Officer, in case of sudden Alarm, may and is hereby required to assemble the Men under his Command, and to use his best Endeavours to annoy the Enemy, or to repel an Invasion, without waiting for Orders from the Commander in Chief, making Return of such his Proceedings to the Commander in Chief, or to his Brigadier-General as soon as possible.

30. THAT, in order the more effectually to secure personal Service in Times of imminent Danger, every non-commissioned Officer or Soldier, directed to be enrolled as aforesaid, who shall neglect or refuse to march when called upon on an Invasion or Alarm, or who, when the Company to which he belongs shall be convened for the Purpose of raising Levies, or detaching the Whole or Part of the Militia for the Defence of the State, or any of the neighbouring States, shall neglect or refuse to march when detached in his Turn, or to provide a fit Person to march in his Stead, shall, for each Offence, be fined at the Discretion of the Persons herein after named, and in the Manner herein after directed, in any Sum not less than *Five Pounds*, nor more than *Thirty Pounds*.

Fines of non-commissioned Officers and Soldiers for not marching.

31. THAT every commissioned Officer, who shall neglect or refuse to march with the Battalion or Company to which he belongs, at the Time of an Invasion or Alarm, or to take his Tour of Duty when called upon, shall, if a Field-Officer, be tried by a general Court-Martial; and, if under the Rank of a Field-Officer, be tried by a regimental Court-Martial; and, if convicted, shall be cashiered and deemed unfit for further Service as an Officer; and, on Certificate of such Conviction returned to the Assessor herein after mentioned, shall also, at the Discretion of the Persons herein after named, and in the Manner herein after directed, be fined in any Sum not less than *Eight Pounds*, nor more than *Forty Pounds*.

Fines and Punishment of commissioned Officers for not marching.

32. THAT, when Part only of the Militia shall be called for, the Field-Officers of each Battalion shall ascertain the Proportion to be taken from each Company in their Battalion, observing as a Rule the Number of Men in the several Companies which compose such Battalion; and, in such Case, the commissioned Officers of each Company shall be, and they are hereby empowered to count off such Proportion, and to determine who shall go from their Company, paying due Attention to, and keeping in View as a general Rule, the Course or Tour of Duty.

Detachments from the Militia.

33. THAT, in order to equip as far as possible every Man who shall be detached, the commissioned Officers of every Company are hereby empowered and directed to impress and take from such of the Militia in their Company, as are not ordered into Service, a Number of Muskets with their Accoutrements, sufficient to equip those who are detached as aforesaid, giving Receipts and taking Appraisements under Oath for the same: And the Muskets and Accoutrements so at any Time taken, if lost or damaged in the Service, shall be made good by the State: PROVIDED ALWAYS, That it be in the Option of any Owner to take back his Musket or Accoutrements, and have the Damage valued by

How to equip the Detachments.

L

the

the former Appraisers, and made good, or to be paid the full Price of the same, as ascertained by the afore-mentioned Appraisers. And the County Collector is hereby empowered and directed to pay, as the Case may require, the full Value of such Musket and Accoutrements, or the Amount of the Damage so as aforesaid appraised; which said Musket and Accoutrements, if fully paid for, shall be delivered to the commanding Officer of the Battalion for the Use of the State; and the Treasurer is hereby empowered and directed to repay the Sum so as aforesaid advanced by such County Collector.

Commissioned Officers to judge of Excuses.

34. THAT the commissioned Officers of every Company shall be, and they hereby are authorized and directed to hear and adjudge of any Excuse that may be offered by any non-commissioned Officer or Soldier of their Company, for not performing any Duty enjoined by the thirtieth Section of this Act; and they shall, by Advertisements, in two publick Places in the Limits of said Company, give Notice of the Time and Place of their Meeting to hear and adjudge thereof: And the said Officers are hereby further directed to observe as a general Rule (although there may be some special Exceptions, of which too they are to judge) that no Excuse, save that of Sicknefs, shall be admitted as legal and valid for not performing any Duty enjoined by the Section last above-mentioned; and, in order to enable said Officers fairly and fully to decide upon any Excuse, they are hereby empowered to examine on Oath, which any of them may administer, any Person touching the Truth of such Excuse.

How the Fines are to be assessed.

35. AND WHEREAS it is highly proper and necessary that the Fines directed to be levied in Consequence of any Violation of the thirtieth and thirty-first Sections of this Act, should be in Proportion as well to the Estate as to the military Rank of the Offenders, BE IT THEREFORE ENACTED by the Authority aforesaid, That the Field-Officers of every Battalion, or a Majority of them, and the commissioned Officers of every Company, or a Majority of them, (as the Case may require) shall, as soon as possible, make Return of the Names of the Offenders against the Sections last mentioned to the Assessor within whose District such Offenders reside; and the said Assessor shall, and he is hereby directed and empowered to call to his Assistance any two Justices of the Peace of the County, and, in Conjunction with them, to ascertain and assess the Fine to be paid by every Person in such District, who shall have offended against the two Sections aforesaid; observing always, neither to go above nor below the Sums mentioned therein. PROVIDED, That the Agreement of any two of the three, as to said Assessments, shall be conclusive.

Assessors Qualification.

36. THAT every Assessor, previous to his doing any Thing in the Assessment-Way by Virtue of this Act, shall make Oath before some Justice of the Peace for the County in which he resides, *That he will truly and impartially, according to the best of his Skill and Understanding, ascertain and assess the Fine of every Offender agreeably to his ratable Estate, and military Rank, and to the true Intent and Meaning of this Act.*

37. THAT every such Assessor shall, with all convenient Speed, transmit to the Collector, in whose District such Offenders reside, an Account of

of all Fines so as aforesaid assessed; and every such Collector shall make a Demand of all such Fines so transmitted to him, within ten Days after receiving the Account.

Account of
Fines to be
transmitted to
the Collector.

38. THAT in case any Person shall refuse or neglect to pay such Fine to the Collector when demanded, or on Notice properly given at the Place of his Abode, such Collector, within fifteen Days after the Demand or Notice, shall return the Name of the Offender, with the Sum he is to pay, to any Justice of the Peace in the County in which the Offender resides; which Justice is hereby empowered and directed to administer an Oath or Affirmation to said Collector, that the Fine had been demanded of, or Notice thereof given to, the Offender, and thereupon to issue his Warrant to the Constable to raise from any Goods and Chattels of the Offender (except Arms, Accoutrements and Ammunition) by Distress and Sale, after proper Advertisement as aforesaid, the Sum in which he was assessed, with Costs, as herein after is directed. And the Constable is hereby required to pay the said Sum to the Collector in whose District the Offender resides, and the Overplus, if any, to return to the Owner.

Mode of re-
covering the
Fine.

39. THAT every Constable shall forfeit the Sum of *Six Pounds* for Breach of any Part of the Duty enjoined on him by this Act, to be recovered by the Collector in whose Township or District he resides, in any Court of Record where the same shall be cognizable, with Costs of Suit, to be appropriated the one Half to the Use of the Poor of the said Township or District, and the other Half to the Use of the Collector to suing for the same: And in case any Collector shall knowingly conceal the Affair, or neglect to sue the Constable offending as aforesaid, for the Space of ten Days after receiving Notice of such Offence, or shall any otherwise commit a Breach of the Duty enjoined him by this Act, he shall forfeit the Sum of *Six Pounds* for every Offence, to be recovered by any Person who will sue for the same; the one Half for the Use of the Poor of the Township or District in which the Collector resides, and the other Half, with Costs of Suit, for the Use of the Person suing.

Constables
Forfeiture.

40. THAT any Justice of the Peace, who shall neglect or refuse to perform any Act or Duty hereby enjoined on him, shall forfeit for each Offence the Sum of *Twelve Pounds*; to be recovered by any Person who will sue for the same, of which the one Half shall be paid to the Overseer of the Poor, in whose Township or District the Offender resides, for the Use of the Poor in said District; and the other Half, with Costs of Suit, to the Person suing for the same.

Justices For-
feiture.

41. PROVIDED ALWAYS, That any Person, who shall think himself aggrieved by any such Assessment, may, on Payment of the same, and at any Time within the Space of ten Days after Demand or Notice thereof as aforesaid, appeal therefrom to the next, but no other, Court of General Quarter Sessions of the Peace for the County; which Court is hereby empowered to decide thereon, and said Decision shall be conclusive.

Appeal.

42. THAT the Assessors shall have and receive the Sum of *One Shilling*

Assessors and
Collectors
Fees.

ling for every Fine, as a Compensation for their Trouble in Assessing ; and the Collector shall receive *Four-pence* in the *Pound* for collecting the Fines herein directed to be by them assessed and collected ; except the County Collectors, who shall have only *Two-pence* in the *Pound* allowed them.

Justices Fees.

43. THAT the Justice shall receive the Sum of *One Shilling* for every Warrant of Distress issued for military Default, the same to be levied, with the Penalty, on the Estate of the Offender.

Constables
Fees.

44. THAT every Constable shall levy upon the Estate of each Offender, mentioned in the Warrant to him directed, the following Sums, over and besides the Penalties laid in the Warrant, as a Compensation for his Trouble, *to wit*, For every non-commissioned Officer and Soldier the Sum of *One Shilling and Six-pence*, and for every Field-Officer, Captain, Lieutenant, Ensign, Adjutant, and Quarter-Master, the Sum of *Two Shillings and Six-pence*.

Town Collec-
tors to pay the
County Col-
lectors.

45. THAT every Town Collector shall, once in six Months, pay the Collector of the County in which he resides, the Sum of Money he may collect and receive by Virtue of the Directions of this Act ; and any such Collector, who shall neglect or refuse to pay all such Sums to the County Collector in Manner aforesaid, shall, besides the Penalty before mentioned for the Breach of Duty, be subject to an Action of Debt, at the Suit of such County Collector, for the Recovery of the whole Sum by him received, with Interest on the same, and Costs of Suit. And that the County Collectors pay to the Captains of each Company as much Money out of the Fines paid into his Hands, as the Field-Officers of each Battalion, in Conjunction with the Justices and Assessor herein before mentioned, or a Majority of them, shall judge necessary to be expended for the instructing Drummers and Fifers in the respective Companies ; which Adjudication, with the Captain's Receipt thereon, shall be a Discharge for so much of the publick Money to the said Collector.

County Col-
lector to pay
the Treasurer
annually.

46. THAT every County Collector shall annually pay to the Treasurer of this State the Sums of Money he shall receive from the Township Collectors as aforesaid, except so much as shall have been adjudged to be expended for the Instruction of Drummers and Fifers as aforesaid ; and any County Collector, who shall neglect or refuse to pay the same, shall forfeit for every Offence the Sum of *Fifty Pounds*, to be recovered by the Treasurer in any Court of Record where the same shall be cognizable, the one Half for the Use of the State, and the other Half for the Use of the Treasurer, with Cost of Suit ; and such County Collector shall also in such Case be subject to an Action of Debt, at the Suit of the Treasurer, for Recovery of the whole Sum by him received, with Interest, and Cost of Suit.

County Col-
lectors to
transmit Ac-
counts to the
Legislature.

47. THAT all the County Collectors shall annually transmit to the Legislature of this State an Account of the Monies which they shall have received and transmitted to the Treasurer by Virtue of the Directions of this Act.

48. THAT

48. THAT the Foot Militia, when in actual Service, shall have the same Pay, Rations and Allowance, as the Forces of the United States of America. Pay and Rations of the Foot Militia.

49. THAT no Process whatever, unless in Behalf of the State, shall be served on any Officer or Soldier, who shall appear and obey Orders on the Day and at the Place appointed for any private or general Muster; or while in actual Service; or in going to or returning from such Place of Muster or Service. Officers and Soldiers, when exempted from Process.

50. THAT no Officer or Soldier, in going to or returning from his Place of Training, shall pay more than one third Ferriage; and any Ferryman refusing to ferry at that Rate shall forfeit the Sum of *Twenty Shillings*, the one Half to the Prosecutor with Costs of Suit, and the other Half to the Use of the Poor of the Township or Precinct where such Ferry is kept; and every Officer and Soldier shall pass free over Toll-Bridges in going to or returning from Training. What Exemption from Ferriages and Tolls.

51. THAT Offenders shall, in all Cases, be committed to Gaol when Effects cannot be found whercon to levy Execution. Where Offenders are to be committed to Gaol.

52. THAT the Militia, as well Horse as Foot, shall, when in actual Service, be subject to Courts-Martial, and be under the same Regulations, as the Troops of the United States of America. Provided, That the Militia of this State shall be tried by their own Officers only; and provided also, that the Pains and Penalties imposed by a Court-Martial shall not extend to the taking of Life or Member, or to the Infliction of any corporal Punishment, unless in the Cases following, to wit, *Any Officer or Soldier, who shall hold a treacherous Correspondence with or give Intelligence to the Enemy, or who shall desert to the Enemy, and afterwards be taken, or who shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death, or such other Punishment as a general or regimental Court-Martial shall direct.* Courts-Martial.

53. THAT the Members of the Legislative Council and Assembly, the Delegates of the Honourable Congress for this State, the Attorney-General, the Secretary and Treasurer of this State, the Judges and Justices of the Supreme and Inferior Courts and Courts of Admiralty, the Clerks of the Council and Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, the Ministers of the Gospel of every Denomination, the President, Professors and Tutors of Colleges, the Sheriffs and Coroners of this State, one Constable for each Township, to be selected by the Court of Quarter-Sessions, in case neither Constable in the Township shall be exempted by Age, and Ferrymen, *That is to say*, Two for each publick Ferry on the *Delaware* below the Falls at *Trenton*, and one for every other publick Ferry in this State, shall be, and they hereby are exempt from military Duty. Exceptions.

54. THAT nothing in this Act contained shall be construed to oblige the Men, not exceeding ten in Number, employed at the Salt Works erected by Doctor *Samuel Bard*, and exempted by an Ordinance of the Convention of this State, to do any military Duty during the Continuance of this Act. Ten Men at Dr. Bard's Salt Works exempted.

M

55. AND

Persons ex-
empted, to
pay a Tax.

55. AND WHEREAS it is highly reasonable that the Burden of the publick Service should be laid as equal as possible on all the Inhabitants: AND WHEREAS every Principle of Justice and civil Society requires, that all such as are exempted from actual Service in the Militia should, in a pecuniary Way, contribute their just Proportion towards the Defence and Preservation of the Government, under which they claim, and are entitled to receive, Protection; BE IT THEREFORE ENACTED by the Authority aforesaid, That upon and out of the Estates, Real and Personal, of such Persons within this State as are of the Age of fifty Years and upwards, and are exempted from military Service on the Score of Age, and of such as are between the Ages of sixteen and fifty Years, and are exempted on the Score of Inability of Body, and of such as are exempted on the Score of Profession, or Office, or otherwise, there shall yearly and every Year, during the Continuance of this Act, be assessed, levied, and collected, over and besides all other Taxes, a Rate or Tax to the same Amount, in the same Proportion, and in the same Manner, as such Persons and their Estates would be rated and assessed at in Taxes for the Sinking Fund, in such Year when the Sum of *Fifteen Thousand Pounds* was directed to be raised in this State, and in every Respect agreeably to and under the same Penalties as are expressed in an Act, entitled, *An Act to settle the Quotas of the several Counties in this Colony, for the levying Taxes*, and passed the sixth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Sixty-nine. PROVIDED ALWAYS, That every Person, exempted as aforesaid from actual Service in the Militia, who shall, at his own Expence, fit out any one or more Son or Sons, under Age, and living in his Service, Apprentice or Apprentices, Servant or Servants, and keep him or them properly equipped and accoutred as by this Act is required, shall, for every Son, Apprentice or Servant, so kept equipped and accoutred as aforesaid, be entitled to a Deduction of one Third Part of the said Tax; and if he shall so fit out and keep equipped and accoutred three or more Sons, Apprentices and Servants, he shall not be subject to the Payment of any such Tax.

Fund for Relief of disabled Soldiers, and of Widows and Children.

56. THAT the Money, arising from the Fines aforesaid, and from the Taxation of Exempts, and directed to be deposited in the State Treasury, shall be set a part and appropriated, as a Fund, for the Relief and Benefit of such Soldiers, as may be wounded or disabled, and of the Widows and Children of such as may lose their Lives in the Service of this State, in Proportion to their respective Necessities, and to such other Purposes as the Legislature shall direct.

Former Militia Laws repealed.

57. THAT all Laws made by any former Legislature of this State, and Ordinances of any Congress or Convention, for regulating the Militia, or in anywise respecting the same, shall be, and they are hereby repealed and made void.

Continuance.

58. THAT this Act shall continue in Force for the Space of one Year, and from thence to the End of the next Sitting of General Assembly, and no longer.

Passed at Haddonfield, March 15, 1777.

C H A P.

C H A P. XLIV.

An ACT to explain and amend an Act, intituled, An Act for the better regulating the Militia, and the Supplemental Act thereto.

Preamble.

WHEREAS an Act, intituled, *An Act for the better regulating the Militia, and the Supplemental Act thereto*, have not been found fully adequate to all the good Purposes thereby intended;

Return of Ex-
empts to be
made.

SECT. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the commanding Officer of each Company shall, upon Application of the Assessor, who is hereby enjoined to apply, make Return of all Persons within the Bounds of his Company, who, by the before-recited Act, are exempted from military Duty; which Return shall be sufficient Authority for the said Assessor to proceed to assess the Estates of the said Exempts agreeably to the said before-recited Act *for the better regulating the Militia.*

Militia, when
called out,
their Bounty.

2. AND WHEREAS the frequent Calls of the Militia from their domestick Employments, is greatly detrimental to their private Interest, and having neither Bounty, Arms nor Cloathing given them at publick Expence, the Reward of their Service falls considerably short of that given to the Continental Troops; *BE IT THEREFORE ENACTED by the Authority aforesaid,* That when any Detachment of the Militia shall be ordered on Duty, each non-commissioned Officer and Private shall be entitled to receive at the Rate of *Fifty Shillings* per Month as a Bounty over and above the Continental Pay, which shall be paid out of any Money that shall from Time to Time be in the Treasury of this State; and the Officers of the said Detachments, whose Duty it may be, are hereby required to make out separate Pay Rolls for the said Bounty; and the Pay-Masters, who already are or hereafter shall be appointed, are hereby authorized and required to draw on the Treasury for such Bounty, and pay the same.

Mode of e-
quipping the
Militia with
Arms, &c.

3. AND WHEREAS the Measures heretofore taken in arming and equipping the Militia have proved ineffectual, *BE IT THEREFORE ENACTED by the Authority aforesaid,* That the commanding Officer of each Regiment or Battalion of this State is hereby constituted a Commissioner for purchasing Arms, Ammunition and every other Accoutrement required by the before-recited Act, for equipping his Regiment, and is hereby directed to effect the same as soon as possible; and the said Commissioner shall offer for Sale the Arms, Ammunition and Accoutrements by him so purchased, at prime Cost, to such of his Regiment as shall be deemed able to purchase; and if any such, on the next Muster-Day after such Offer, appear undequipped, or shall not be equipped agreeably to the Directions of the said before-recited Act, he shall pay double the Fine therein specified, and so on for every Muster-Day that he doth not appear equipped as by the said Act, intituled, *An Act for the better regulating the Militia*, is directed: And the said Commissioner, after

after supplying such of his Regiment or Battalion who shall be deemed able to purchase, shall, if he find it necessary, lay out the Remainder of the publick Money hereafter directed to be drawn by him for the Purpose aforesaid, in Arms and such other Accountments as is directed by the before-recited Act, for the Use of such of his Regiment or Battalion as shall be deemed unable to purchase for themselves, conforming himself to, and being directed in the Disposal of the said Arms, Ammunition and Accountments by him procured by the before-recited Act, intituled, *An Act for the better regulating the Militia*, and by the fifth Section of an Act, intituled, *An Act for establishing Magazines of Arms, Ammunition and other Warlike Stores in the several Counties of this State*; and that the said Commissioners shall render true Accounts to the Legislature of this State when thereunto required, of the Expenditure of the publick Money to them entrusted for the Purposes aforesaid, and, for the due Discharge of the Duties by this Act enjoined, the said Commissioners shall receive Five per Centum Commissions each on all Monies by him expended for the Purposes aforesaid. And the Treasurer, or any Pay-Master for the Militia of this State, is hereby authorized and required to pay to each of the said Commissioners, on his Application for the same, any Sum not exceeding *One Hundred Pounds*, for which Money the said Commissioners shall give the Pay-Master or Treasurer his Receipt, which shall be a sufficient Voucher for the Payment thereof. PROVIDED ALWAYS, and it is the true Intent and Meaning of this Act, That the Commissioners aforesaid be, and they are hereby prohibited from purchasing any such Arms, Ammunition or Accountments as are made necessary by the before-recited Act, intituled, *An Act for the better regulating the Militia*, to the Equipment of the Persons offering the same to Sale.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the several Colonels or commanding Officers of the Regiments or Battalions of this State, shall cause the several Companies of Militia in their respective Regiments or Battalions to be divided by Lot into eight Parts, to be called Classes, as nearly equal as may be, and numbered from one to eight in numerical Order; and the said Captain shall cause the Names and Sir-Names of the Persons in the respective Companies, with the Class to which each belongeth, to be returned to the said Colonels or commanding Officers respectively, at such Time as they shall appoint, within six Days after such Divisions are made.

Forming the
Militia in
Classes,

5. AND IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, That the Captain-General or Commander in Chief for the Time being, in case of Invasion or Rebellion within this State, or in case any Part of the Militia of this State shall be requested by Congress to assist the Continental Army in this or any of the adjoining States, may and is hereby empowered to call into actual Service any Part of the Militia not exceeding one Half, by Classes as aforesaid, as to him shall seem necessary, the first Draught to be composed of Number one of each Company: And in case that shall not be sufficient for the Emergency, then Number two shall be drawn, and so on by Classes from Time to Time as Occasion may require. And, to the End that each particular Draught may be suitably officered, the commissioned and non-commissioned Officers shall take their proper Tour of Duty; and, in case of any Dispute arising thereon, the commanding Officer of each Regiment

And calling
them out.

or

or Battalion shall determine with Respect to the Tour of Duty of the commissioned Officers; and the commanding Officers of the Companies shall determine with Respect to the Time of Duty of the non-commissioned Officers.

Persons refusing, &c. to serve, to find Substitute.

6. AND BE IT ENACTED *by the Authority aforesaid*, That when any Part of the Militia shall be called into actual Service, every Person enrolled as aforesaid, who is not an Officer, shall have it in his Choice, either to serve in Person, or to find a sufficient Person for a Substitute; which said Substitute shall be approved of by one of the Field-Officers of the Regiment or Battalion to which he belongs; and, if an Officer, he shall find as a Substitute an Officer of equal Rank, to be approved of by the Colonel or commanding Officer of the Regiment or Battalion to which he belongs; but if any Person shall neglect or refuse to serve or find such sufficient Substitute in his Place within three Days after Notice given to him, one of the Field-Officers of the Regiment or Battalion to which he belongs, nearest to where such Delinquent resides, shall, and he is hereby required to provide, hire or procure, on as reasonable Terms as may be, a Substitute for such Person refusing or so neglecting, and to charge such Sum or Sums, together with reasonable Charges for procuring the same, to such Delinquent, to be recovered by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of any two Justices of the Peace of the County where such Person resides, directed to any Constable of such County: And if no Effects can be found whereon to levy, then to take the Body of the Delinquent and him to commit to the common Gaol of the County, there to remain until the Amount of the Sum for procuring said Substitute be fully paid, with the reasonable Charges and Costs.

Persons not serving, for whom Substitutes cannot be found, to pay, &c.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if after the Regulations aforesaid, it should so happen that Substitutes cannot be found for all the enrolled Militia upon said limited Draughts, then, and in such Case, each and every of the Persons who cannot yield their personal Service as aforesaid, nor find Substitutes, shall pay such Sum or Sums of Money as each of the Substitutes included in the said Draughts will amount unto upon an Average within each respective Regiment or Battalion. PROVIDED ALSO, That no Militia-man having personally or by Substitute served in the Militia, shall be obliged to serve again until by Rotation it comes to his Turn.

Militia-man not to leave his Company, unless, &c.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Militia-man shall leave the Company to which he belongs, or join any other, under the Penalty of *Three Pounds*, to be recovered before a Justice of the Peace of the County, unless in case of removing within the Bounds of some other Company in this or any other State; and in such Case he shall apply to the Commander of such Company, who shall give him a Certificate of his being discharged; and if the said Militia-man has been in actual Service, shall also certify the Time thereof, and how long he had continued therein.

Minor, &c. refusing to go, who to be liable.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if upon any Draught of Part of the Militia for actual Service, it should happen to fall to the Lot of any Minor, bought Servant or Apprentice,
to

to be so draughted, and the Minor, Servant or Apprentice shall neglect or refuse to go, and also the Parent or Master or Mistress refuse or neglect to find a Substitute in his Stead, and a Substitute or Substitutes having been found agreeably to the Directions of this Act, then the Father or Mother of such Minor, and the Master or Mistress of such Servant or Apprentice, shall be liable to the Payment of such Sum or Sums of Money as it shall cost to procure such Substitute or Substitutes; and also in case such Substitute or Substitutes cannot be obtained, then to pay all such Fines or Sums of Money as are imposed by this Act on such Minor, Servant or Apprentice.

Minors, &c.
refusing to go,
who to be
liable.

10. AND IT IS FURTHER ENACTED *by the Authority aforesaid*, That if any Parent, Guardian, Master or Mistress, or any Person between the Ages of sixteen and twenty-one Years, or of any other Person made liable to serve in the Militia by this Act, shall think him or herself aggrieved by any of the Rates, Fines, or any Sum or Sums of Money agreed for in the procuring of Substitutes, and for the Redress of which no Express Provision is already made, he, she or they, after Payment of such Rates, Fines, Sum or Sums of Money, may appeal to the next Court of General Quarter Sessions of the Peace to be held for said County where such Delinquent may reside, who is hereby enjoined to hear and determine all such Appeals, and who may, at their Discretion, moderate or remit the said Rates or Fines, as to them shall appear just and necessary in Consideration of Inability of Body or Estate only; and if the said Courts shall remit the Whole or any Part of the said Fine or Fines, Sum or Sums of Money aforesaid, the Appellant shall be entitled to receive the Sum so remitted out of the publick Treasury; and on his producing a Certificate from the Court who determined the Appeal, specifying the Sum remitted, the Treasurer is hereby directed and empowered to pay the same.

Court of Ap-
peal, their
Power.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Field-Officers of each Regiment or Battalion within this State, shall appoint in their respective Battalions one Adjutant, one Quarter-Master, and one Sergeant-Major, or Quarter-Master-Sergeant, the Adjutant to be entitled to the Rank of Captain, but all other necessary Officers above the Rank of Captain, shall be appointed by the Council and Assembly at their Joint-Meeting.

Field-Offi-
cers, whom
to appoint.

12. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That any Militia-man who, on the Day of Exercise of the Regiment, Battalion or Company, shall be from Home in actual Service as a Substitute for another, shall not be fined as an Absentee.

Militia-man
in Service,
when not to
be fined.

13. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That so much of the Act, intituled, *An Act for the better regulating the Militia*, and the Supplemental Act thereto, as is herein altered, or otherwise provided for, is hereby repealed. PROVIDED ALWAYS, That nothing herein contained shall be construed to prevent the Recovery of Fines incurred by that Part of the Militia Act which is so as aforesaid repealed.

Part of the
Militia Act
repealed.

Passed at Haddonfield, Sept. 23, 1777.

E c

C H A P.

See in general

C H A P. XLIV.

A Supplementary ACT to an Act, intituled, An Act for the regulating, training and arraying of the Militia.

WHEREAS the Act, intituled, *An Act for the regulating, training and arraying of the Militia*, from the Smallness of the Penalties therein imposed, and from the Disproportion which the Bounty therein allowed to the Militia bears to the Services of them required, and from other Causes, has been found, in the present Situation of Affairs, insufficient to answer the good Purposes thereby intended;

Sec. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, the several Fines and Forfeitures and the Extremes thereof, in the before-recited Act imposed and mentioned, for Refusal, Default, or Neglect of any of the Duties therein respectively enjoined on, and required of the several Officers, non-commissioned Officers and Privates of the Militia, shall be, and they are hereby declared to be three Times the Sums therein mentioned, directed and expressed, any Thing in the said recited Act to the Contrary notwithstanding. Fines, augmented.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Colonel or Commanding Officer of any Regiment or Battalion, who shall neglect or refuse to perform any of the Duties on him enjoined by the twenty-seventh Section of the said recited Act within twenty Days after any Training or Call of the Whole or a Part of his Regiment into Service, shall forfeit and pay for each Default the Sum of *Fifty Pounds*, to be recovered before any Justice of the Peace of the County in which he may reside, at the Instance of the Officer next in Command, or any other commissioned Officer or other Person whatsoever, and paid to the Collector of the County, for the Use of the State. *PROVIDED ALWAYS,* That if by a general Call of the Militia, or a large Proportion thereof in any Part of the State, or other unavoidable Obstacle, all the Field Officers of any Regiment or Battalion, or so many of them shall be absent that the said Duty cannot be performed, and the said Colonel or Commanding Officer shall perform the said Duties within ten Days after such Obstacle shall be removed, that then he shall not be prosecuted for Default. Commanding Officers of Regiments neglecting their Duty, what to forfeit. Provide.

3. AND BE IT ENACTED by the Authority aforesaid, That every Captain or Commanding Officer of any Company who shall neglect or refuse to perform any of the Duties on him enjoined by the twenty-eighth Section of the said recited Act, within twenty Days after any Training of such Company or regimental Review, or after any Call of the Whole or any Part thereof into Service, shall forfeit and pay for each Default the Sum of *Forty Pounds*, to be recovered before any Justice of the Peace of the County in which he may reside, at the Instance of the Officer next in Command, or any other commissioned Officer or any other Person whatsoever, and paid to the Collector of the County, for the Use of the State. *PROVIDED ALWAYS,* That if by a general Call of the Militia, or a large Proportion thereof in any Part of the State, or other unavoidable Captains, &c. neglecting their Duty, what to forfeit. Provide.

522. N. J.—*General Assembly, Trenton, 2d Sit, 3d Sess, Apr. 20, 1779; Laws, May 1779, I. Collins; Act, June 12, 1779, pp. 113–117.*

able Obstacle, the said Duty cannot be performed within the Time above specified, and such defaulting Captain or Commanding Officer of a Company shall perform the said Duties within ten Days after such Obstacle shall be removed, that then he shall not be prosecuted for the Default.

Deserters,
how to be
punished.

4. AND BE IT ENACTED *by the Authority aforesaid*, That if any commissioned Officer, non-commissioned Officer or Private shall, at any Time when the Whole or any Detachment of the Militia are called out upon Duty, and before the Expiration of his Tour, leave his Regiment or Company without a Furlough, or Leave previously obtained of his superior Officer, such Officer so offending shall be tried by a Court-Martial and be cashiered and fined at their Discretion in any Sum not exceeding *Two Hundred Pounds*; and every non-commissioned Officer or Private so offending, shall, for every such Offence, forfeit all the Pay, Bounty, or other Demands which may be due to him on such Tour, and shall moreover be fined in any Sum not exceeding *One Hundred and Fifty Pounds*, nor under *Fifteen Pounds*; to be recovered as directed in the twenty-seventh Section of the said recited Act, and to be paid into the Hands of the Collector of the County, to and for the Use of the State.

Mode of mak-
ing out Pay-
rolls.

5. AND IT IS HEREBY FURTHER ENACTED, That all Captains and other Militia Officers, who shall hereafter make out any Payroll, shall insert therein, as well the Names of those who shall have deserted, if any there shall be, as those who serve out their Tour, and note such Deserters as having deserted, but shall not annex any Pay for the Time they did Duty, previous to their Desertion.

Persons not of
Ability to
purchase
Arms, how to
be supplied.

6. AND WHEREAS many Privates of the Militia of this State may be destitute of Arms and Accoutrements, and may not be of sufficient Ability to purchase the same; for Remedy whereof, BE IT ENACTED *by the Authority aforesaid*, That the Captain or Commanding Officer of each Company shall, once in every four Months, make a Return of those in his Company, who may be destitute of Arms and Accoutrements, and not of sufficient Ability to purchase them, and likewise of the Arms which may be put under his Care by the Directions of this Act, to the Colonel or Commanding Officer of his Regiment who is hereby required to purchase Arms and Accoutrements for the Supply of the Persons mentioned in the said Returns, and shall deliver them to the said Captains or Commanding Officers of the respective Companies, taking their Receipts for the same; which Captains or Commanding Officers are hereby made accountable to the said Colonel or Commanding Officer of the Regiment for the Arms and Accoutrements so delivered to them, and required to keep the same in some safe and convenient Place, and in good Order and Repair, to be delivered out to such poor Persons only, when Occasion may require, they to be accountable for the same.

Money, on
whom to be
drawn.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Colonel or Commanding Officer of each Regiment respectively shall be, and they and each of them, hereby are authorized and empowered to draw on the Collector of the County to which they belong for any Sum not exceeding *Five Hundred Pounds* yearly, for the purchasing such Arms and Accoutrements, and for keeping the same in good Order and Repair, and for purchasing Drums and Fifes for the several Companies

in

in his Regiment ; and the said County Collector is hereby authorized to discharge such Draughts of the Colonel or Commanding Officer, out of any Monies he may have in his Hands arising from Militia Fines, taking his Receipt for the same, which Receipt he is hereby required to lay before the Justices and Freeholders of such County, at their next annual Meeting.

8. AND BE IT ENACTED *by the Authority aforesaid*, That each and every Colonel or Commanding Officer of a Regiment, who may receive any Sum or Sums of Money from the County Collector for the Purposes aforesaid, shall lay fair Accounts of all such Monies, and of the Expenditure of the same, and of his necessary Expences attending the Service herein required of him, and likewise Returns of the said Arms and Accountments, specifying their Number, and in whose Hands they are deposited, to the Board of Justices and Freeholders, at their annual Meeting in May, and at such other Times as he may be thereunto required, for their Examination and Allowance ; which Accounts and Returns the said Justices and Freeholders are hereby required to direct their Clerk to enter of Record, that the Legislature may at any Time hereafter have Information therein.

Commanding Officers to render fair Accounts, and make Return of Arms, &c. to the Justices and Freeholders ;

9. AND BE IT FURTHER ENACTED, That the Colonels or Commanding Officers of the several Regiments in this State, shall in like Manner make Returns yearly to the said Board of Justices and Freeholders of the County to which they belong, of the State of all the publick Arms which may have been put under their Care by any former Act or Acts of the Legislature ; which Returns shall be recorded as above-directed.

To whom yearly Returns are also to be made.

10. AND WHEREAS in and by the fortieth Section of the before-recited Act it is enacted, "That the Militia of this State, when in actual Service, shall be subject to the Rules and Articles of War established for the Government of the Troops of the United States : " AND WHEREAS it is provided by the same Section of the said Act, "That the Pains and Penalties inflicted by any Court-Martial shall not extend to the taking of Life or Limb, or any corporal Punishment, unless in the Cases therein particularly described." AND WHEREAS by the said Rules and Articles of War, no other than corporal Punishment can be inflicted for many other Offences beside those specified in the said proviso, many of the Militia offending against the Rules and Articles of War, while in actual Service, escape Punishment ; for Remedy whereof, BE IT FURTHER ENACTED, That if any Militia-Man, while in actual Service within this State, shall commit any Offence cognizable by the Courts of Law, he shall be delivered, by the Officer commanding the Detachment to which he shall belong, to some one of the Justices of the Peace of the County where such Offence shall be committed, together with the Witnesses charging him with such Offence, to be dealt with according to Law only. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That if any Militia-Man, while in actual Service, shall be convicted by a Court-Martial of any Offence specified in the Rules and Articles of War, other than such as are cognizable by the Courts of Law, or specially punishable by this or the before-recited Act, he shall be liable to such Fine or Forfeiture, or suffer such Imprisonment or other Detention in Custody as the Sentence of the Court-Martial by

Militia-Man committing Offences, how to be dealt with.

Provide

F f

which

which he shall be tried shall adjudge, any Thing in the before-recited Act notwithstanding.

Militia while
in Service,
their Bounty.

11. AND BE IT ENACTED *by the Authority aforesaid*, That the Militia, while in actual Service, shall be allowed over and above the present continental Pay, Rations and Mileage, as an Equivalent, or in Lieu of certain Necessaries supplied to the continental Troops by a Law of this State, the following Bounty by the Month, *that is to say*, To a Colonel, *Sixty-five Dollars*; to a Lieutenant-Colonel, *Fifty-five*; to a Major, *Forty-five*; to a Captain, *Thirty-five*; to a Lieutenant, *Thirty*; to an Ensign, *Twenty-five*; and to each non-commissioned Officer and Private, *Twenty Dollars*, including the Bounty allowed by the forty-second Section of the before-recited Act; which the Paymasters, for the Time being, appointed to pay the Militia of this State, in the respective Counties, shall pay on separate Pay-Rolls of the said Bounty, being exhibited, properly certified and authenticated. PROVIDED ALWAYS, That each Lighthorse-Man, while in actual Service, shall be entitled to receive for the Hire of his Horse, over and above the Bounty and Pay allowed to a Private, *Twenty Dollars* by the Month.

Proviso.

Sergeants
Wages.

12. AND BE IT ENACTED, That every Sergeant who shall be employed in examining into the State of the Arms, Accoutrements and Ammunition of the Company to which he belongs, as directed by the thirteenth Section of the before-recited Act, shall be allowed the Sum of *Forty-five Shillings* for each Day he shall be engaged in that Service; to be paid by the Collector of the County out of any Monies in his Hands arising from Militia-Fines, by an Order on the said Collector from the Captain or Commanding Officer of the Company, certifying the Number of Days such Sergeant hath been so employed.

Allowance to
Militia while
in Service and
subsisting
themselves.

13. AND WHEREAS it frequently happens that the Militia, when called out into actual Service, are obliged to furnish themselves with Provisions for several Days before they reach their Stations or have an Opportunity of drawing from the publick Stores, for the Expence of which no sufficient Provision hath hitherto been made; BE IT THEREFORE ENACTED, That every Militia-Man, when called into actual Service, shall be allowed the Sum of *Three Dollars*, over and above his Mileage, for every Day he shall subsist himself on his March to his Station, to be annexed, in every Case, to the Bounty-Rolls by the Officer whose Duty it may be, and paid by the Paymasters of the Militia.

Militia losing
Arms, &c. by
being made
Prisoners, to
be paid by the
State.

14. AND WHEREAS the Militia of this State are, through Captivity, frequently exposed to the Loss of their Arms and Accoutrements, which Loss it is unjust that they as Individuals should sustain; BE IT THEREFORE ENACTED *by the Authority aforesaid*, That where any Officer, non-commissioned Officer or Private may have been captivated or hereafter shall be captivated, and may have thereby lost or shall hereafter lose his Arms or Accoutrements, such Arms and Accoutrements so lost, being appraised by two impartial and disinterested Persons, shall be paid for or made good by the State. PROVIDED ALWAYS, That in order to ascertain that any such Arms or Accoutrements were so lost, a Certificate shall be produced to the Legislature, signed by the Commanding Officer of the Company or Detachment in which the Person served when they were so lost, setting forth the Fact; and also the Attestation

Proviso.

of

of the Party claiming Payment, before some Justice of the Peace of the County, that no Satisfaction hath been received for the same.

15. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when a Vacancy shall happen in the Office of Colonel in any of the Regiments in this State, the same shall not be filled up by a new Appointment, but the Lieutenant-Colonel shall command the Regiment, and be entitled, when in Service, to receive the Pay and other Emoluments of a Colonel; and that the Adjutants and Quartermasters in the several Regiments shall in future be appointed from the Line.

Colonel ceasing to act, who to supply his Place.

16. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Operation of the fifty-sixth Section of the said Act, and every Clause, Matter and Thing therein contained, shall be and is hereby suspended during the present Year; and all such Parts of the said Act as are repugnant to, or otherwise provided for or altered by this Act, shall be and hereby are repealed.

Sections suspended, &c.

Passed at Trenton, June 12, 1779.

C H A P. XLV.

An ACT for the Removal of Criminals, for their more safe Custody; and for other Purposes therein mentioned.

WHEREAS the Vicinity of the Enemy's Lines to several of the Gaols in the State renders the safe Keeping of the Prisoners confined therein precarious;

Preamble.

SECT. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That whenever the Sheriff of any County in the State shall make Application to two of the Judges of the Inferior Court of Common-Pleas of the County, and on Oath declare that he verily believes there is Danger of the Prisoners, confined in the Gaol of the said County, falling into the Enemy's Hands if they are continued therein, and the said Judges shall think the Removal of such Prisoners necessary, it shall and may be lawful for the said Judges, by Warrant under their Hands and Seals, to order the said Prisoners removed, and re-committed to the Gaol of any other County in the State, where they can be safely kept until they are remanded, or legally discharged from Confinement; which Warrant is hereby declared a sufficient Authority for the Sheriff, having such Prisoners in Custody, to remove them accordingly, and to the Sheriff or Gaoler of the County to which they shall be sent, to receive and confine them, agreeably to the Directions thereof: And such Sheriffs, Gaolers and Prisoners are hereby respectively required to pay Obedience thereto. *PROVIDED ALWAYS*, That when the Danger shall cease, or the Prisoners so removed shall be wanted for Trial, that then it shall and may be lawful for any two of the Judges of the Inferior Court of Common-Pleas of the County from which such Prisoners were removed, by Warrant as aforesaid, to remand such Prisoners, and them to re-commit to the Gaol of the County where they were first committed;

Prisoners in Danger of falling into the Enemy's Hands to be removed.

Provido.

The Trustees
to keep fair
Accounts;

4. AND BE IT FURTHER ENACTED, That the said *Richard Stevens* and *John Mehelm* shall keep fair and regular Accounts of the Sales of all the Lands, Tenements, Hereditaments and Real Estate by them sold as aforesaid, and of the Expenditure and Appropriation of the Monies arising thereon.

And to trans-
fer the Real
Estates un-
fold to the
said *William*
Alexander.

5. AND BE IT FURTHER ENACTED, That if after the Payment of the Debts due from the said *William Alexander*, there shall be any of the Lands, Tenements, Hereditaments and Real Estate remaining unfold, the said *Richard Stevens* and *John Mehelm* are hereby directed to transfer, assign over, and convey unto the said *William Alexander*, his Heirs and Assigns, all the Rest and Residue of the said Lands, Tenements, Hereditaments and Real Estate, and to pay unto the said *William Alexander* all the Monies which they the said *Richard Stevens* and *John Mehelm* may have in their Hands arising from the said Sales, after Payment of the Debts aforesaid, and of the Costs and Charges attending the said Sales and Settlement of Accounts.

Passed at Trenton, May 31, 1779.

C H A P. XXIV.

An ACT to embody, for a limited Time, One Thousand of the Militia of this State, for the Defence of the Frontiers thereof.

Preamble.

WHEREAS it is necessary that the Inhabitants who dwell near the Lines, and are exposed to the Depredations and Incurfions of the Enemy, should be protected and defended by the Militia of this State, and the Method of calling out the same by monthly Rotation is, from the local Situation of some Counties, found to be inconvenient and expensive, generally interfering with the Business of Agriculture; Therefore,

The Number
to be embodi-
ed, and Time
of Service.

SECT. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That for the Defence of this State One Thousand of the Militia thereof, exclusive of Field Officers, be immediately embodied and properly officered and equipped, to continue in the Service until the fifteenth Day of December next, unless sooner discharged.

Proportion of
each County.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Quotas or Proportion of the said One Thousand Men be enlisted or raised from the Militia of the several Counties of this State as follows, that is to say, From the County of *Bergen*, one Lieutenant, one Ensign, two Sergeants, two Corporals, and thirty-nine Privates; from the County of *Essex*, one Captain, one Lieutenant, one Ensign, three Sergeants, three Corporals, and eighty-four Privates; from the County of *Middlesex*, one Captain, one Lieutenant, one Ensign, three Sergeants, three Corporals, and sixty-nine Privates; from the County of *Monmouth*, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, and eighty-two Privates; from the County of *Somerset*, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, and seventy-five Privates; from the County of *Burlington*, one Captain, one Lieutenant, one Ensign, five Sergeants, five Corporals, and ninety-six Privates; from the County of *Gloucester*, one Captain, one Lieutenant, four Sergeants, four Corporals, and sixty-two Privates; from the County of *Salem*, one Captain, one Ensign, four Sergeants, four Corporals, and fifty-four Privates; from the County of *Cape-May*, one Ensign, one Sergeant, one Corporal, and eighteen Privates; from the County

521. N. J.—General Assembly, Trenton, 2d Sess, Apr. 20, 1779;
Acts, Oct. 27, 1778, I. Collins; *Act*, June 2, 1779, pp. 58-63.

County of *Hunterdon*, two Captains, two Lieutenants, two Ensigns, eight Sergeants, eight Corporals, and one hundred and twenty-two Privates; from the County of *Morris*, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, and seventy-four Privates; from the County of *Cumberland*, one Captain, one Lieutenant, two Sergeants, two Corporals, and forty Privates; and from the County of *Suffex*, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, and fifty-three Privates; to be commanded by one Colonel, one Lieutenant-Colonel, and two Majors of the Militia of this State, appointed for that Purpose by the Governor or Commander in Chief of the State, for the Time being, and Privy Council: That the said Troops be stationed in just Proportion on the exposed Parts of the Frontiers, so as to afford the most beneficial and equal Protection to every Part thereof, according as Circumstances may require, under the Direction of the Governor or Commander in Chief, for the Time being, and Privy Council: That they act in Conjunction with such of the Continental Forces as may from Time to Time be detached on the said Frontiers, and on every Occasion when they can be spared from the Stations; and that they be not called out of the State unless in such Cases, and by the same Authority in and by which the Militia are liable to be called out.

3. AND BE IT ENACTED by the Authority aforesaid, That the Colonel or Commanding Officer of each Regiment of Militia in this State shall, immediately after the Passing and Publication of this Act, issue Orders to the Captain or Commanding Officer of each Company in his Regiment, directing him to call a Meeting of the commissioned Officers of such Company, and with their Assistance to make out full, particular, and exact Lists or Returns of all Male Free Inhabitants of twenty-one Years old and upwards, to which shall be separately subjoined the Names of the Owners or Possessors of such Estates as have not Male Representatives of that Age. PROVIDED ALWAYS, That the Delegates appointed to represent this State in Congress, the President and Members of the Legislative-Council and General Assembly, the Justices of the Supreme Court, the Ministers of the Gospel, and the Clerks of the Council and Assembly, be not borne on any List or Return. PROVIDED ALSO, That Persons exempted by a certain Law of this State, intituled, *An Act to encourage the making of Salt at the Pennsylvania Salt-Works, in the State of New-Jersey*, passed the seventh Day of *October*, One Thousand Seven Hundred and Seventy-seven, and such as are exempted by one other Law, intituled, *An Act for completing the four Battalions of this State, in the Continental Service*, passed the twenty-eighth Day of *May*, One Thousand Seven Hundred and Seventy-seven, be not included in such Returns. AND PROVIDED ALSO, That the Enrolments or Returns so made shall extend to the Purposes of this Act only. AND PROVIDED ALSO, That nothing herein contained shall be construed to prevent employing Officers, and enlisting non-commissioned Officers and Privates between the Age of sixteen and twenty-one Years.

Returns to be made.

Who are to be exempted.

4. AND BE IT FURTHER ENACTED, That the Lists or Returns so made out shall be signed and authenticated on Oath or Affirmation by any two or more of the said commissioned Officers, and the said Captain or Commanding Officer of the Company shall, without Delay, transmit the same to the Colonel or Commanding Officer of the Regiment, and the Field Officers of each Regiment shall meet at the usual Place of holding the annual Election in the County to which they belong, on the fifteenth Day of *June* Instant, and then and there shall compute the whole Number of Persons borne upon the Lists or Returns of all the Male Free Inhabitants of twenty-one Years old and upwards within the Bounds of the respective Companies in the County, and in Proportion to such Number shall divide the Quota of Officers and Men, above-directed to be raised in such County between the Regiments, as equitably as may be, and appoint such Captain or Captains and Subaltern Officers as are by this Act directed to be drawn from such County, and transmit the Names of such Officers, after acquainting them with such their Appointment, to the Colonel, who, pursuant to the Directions of this Act, may be appointed to command the said Troops; and the Field

Mode of dividing the Quota of Officers and Men, agreeably to the Returns.

Q

Officers

Officers of each Regiment shall appoint an early Day to meet at some convenient Place in their respective Districts, together with the Captain or Commanding Officer of each Company, who shall by them be notified of the Time and Place of such Meeting, and when met, the said Field and other Officers who shall attend shall divide the Regiment into as many Classes as is the Proportion of that Regiment to furnish of non-commissioned Officers and Privates, which Classes shall be marked from One upwards, numerically, having Regard in the said Division to the Abilities and local Situation of the Individuals composing each Class, that they may be as contiguous to each other as Circumstances, with Regard to their Abilities, will admit, and at the Foot of each Class shall set down the Names of the taxable Owners or Possessors of such Estates as have not Male Representatives of full Age, if any such there be.

5. AND BE IT FURTHER ENACTED, That immediately after such Division is made, the Colonel or Commanding Officer of the Regiment shall issue Orders for a regimental Muster or Review, and the said Division of Male Free Inhabitants borne on the Lists or Returns aforesaid, shall be particularly declared and published to the Regiment when met; and also that the Bounty herein after mentioned will be given for one Volunteer for each Class who will then, or within four Days from that Time, offer himself to serve as a Soldier for the Term and Purpose in this Act set forth. PROVIDED ALWAYS, That the Field Officers of any Regiment be at Liberty to assemble the whole Regiment in Review at the same Time, or by Parts and at different Times, as they shall judge most proper. AND PROVIDED ALSO, That the Officers appointed to serve in the said Levy, if they accept of their Appointment, shall not be classed.

6. AND, for the Encouragement of fit, able, and effective Persons to enter voluntarily into the Service of their Country, BE IT ENACTED by the Authority aforesaid, That every such Person who shall, within the Time limited as above, so enter himself with any one of the Officers appointed by the Directions of this Act, for the Service aforesaid, to serve until the said fifteenth Day of December next, shall receive, on his being mustered and approved as herein after is directed, Fifty Dollars as a Bounty.

7. AND, that the End of this Act may not be disappointed, or the Burthen of the publick Service become unequal, BE IT ENACTED, That if any Class in any Regiment shall not have furnished a Volunteer within the Time limited for that Purpose as aforesaid, then the Colonel or Commanding Officer of the Regiment, together with a Majority of the commissioned Officers of the Company from which such Class is composed, shall hire and procure a fit Person to serve as a Substitute for the said Class, which Substitute shall be one of the Class hiring the same, or hired out of any other Class who have furnished their Quota by voluntary Enlistment, or by hiring a Substitute; but that no Substitute be hired or received by any one Class out of another Class, until such Class shall have furnished its Quota: And the said Officers shall appoint a Time and Place for the said Class to meet, and give, or cause to be given, Notice to each Person belonging to such Class, or leave such Notice at his Place of Abode at least two Days before the Time prefixed to meet as aforesaid, and the Captain or Commanding Officer of the Company shall acquaint such of the said Classes as shall meet of the Sum paid or agreed to be paid to the Substitute hired for the said Class, at the same Time requiring of them to repay or furnish the Money so paid or agreed to be paid; and if they shall neglect or refuse to pay the same, then and in that Case each and every Person belonging to the said Class shall be deemed delinquent; and the said commissioned Officers of the Company, or a Majority of them, in Conjunction with two of the Justices of the Peace for the County, shall assess and levy the Sum so required of the said Class on the respective Persons composing the same and contained in the Lists herein before mentioned, at the Discretion of the said Justices and Officers, or a Majority of them, having Regard to their several Estates and Circumstances, so that the whole exceed not the Sum given to procure a Substitute as aforesaid, and on Refusal

fusal of such Payment, to have the same levied with full Costs by Distress and Sale of the Delinquent's Goods and Chattels, and if Goods and Chattels cannot be found whereon to levy as aforesaid, then to commit the Body of the said Delinquent or Delinquents to the Gaol of the County, there to remain till the said Assessment and Costs be fully paid and discharged: And all Sheriffs, Gaolers, Constables, and other Officers and Ministers of Justice are hereby strictly required and commanded to render Obedience to the Orders and Directions of such Justices and Officers in the Execution of the Premises. PROVIDED ALWAYS, That if in any Case the Officers aforesaid shall not be able to procure a Substitute for a particular Class, the said Class shall be assessed as nearly as may be to the Average-Sum given for Substitutes in the County to which it may belong, in the Manner as if a Substitute had been hired for the same; and the Money, when received or recovered, shall be transmitted to the Treasurer by the Justices who shall assist in assessing the same, and the Treasurer's Receipt sent to the Legislature at their next subsequent Sitting.

Proviso.

8. AND IT IS HEREBY DECLARED AND ENACTED, That the Pay of every Person enlisted or procured as aforesaid, shall commence from the Day of Enlistment inclusively, and he shall receive *Two Thirds of a Dollar* by the Day, as Subsistence-Money, until he shall be mustered and marched to his Station on the Frontiers; and that every Person so enlisted, shall, from the Time of his Enlistment, become amenable to the Rules and Discipline of War, and shall furnish and equip himself with a good Musket well fitted with a Bayonet, Steel or Iron Ramrod and Worm, a Cartridge-Box, a Priming-Wire and Brush, also a Canteen and Knapack; which, if lost in the Service without Fault of the Owner, shall be paid for agreeable to the Resolution of Congress of the twenty-sixth of February, One Thousand Seven Hundred and Seventy-eight. And no Person enlisted pursuant to the Directions of this Act shall be liable to be taken out of the Service by any Process other than for some criminal Matter.

Pay, when to commence.

Persons enlisted to be amenable to the Rules of War—to find their own Arms, &c.

9. AND BE IT FURTHER ENACTED, That no Prisoner of War or Deforter from the Enemy, being a Native of any Part of the *British* Dominions, and not heretofore an Inhabitant of the United States, shall be enlisted or received as a Substitute in the Enlistment or Levy to be made under this Act.

Persons who are not to be enlisted.

10. AND BE IT FURTHER ENACTED, That any two of the Field Officers of the Regiment shall, from Time to Time as Occasion may require, muster the Recruits raised in such Regiment, and give Orders on the Paymaster of the County herein after mentioned for the Payment of the Bounty and Subsistence-Money to such as are approved and passed; and the Colonel or Commanding Officer of each Regiment shall, on every Occasion of mustering Recruits, make out Duplicate Lists containing the Name of each Recruit, with that of his Place of Abode, the Company to which he belonged, and also descriptive of his Person, Age, and Stature, one of which signed by one of the commissioned Officers appointed by Direction of this Act, and who are hereby directed to receive such Recruits in the respective Counties, he shall keep himself, the other signed with his own Name, he shall transmit to the Colonel or Commanding Officer of the said Levy; and the said Officer to whom the Recruits are so delivered, and who signed the List as aforesaid, shall march them immediately to *Elizabeth-Town*, in the County of *Effex*, unless the Commanding Officer of the said Levy shall otherwise direct.

Who to muster the Recruits, &c.

11. AND BE IT ENACTED, That each and every Recruit shall be allowed, while on March to his respective Station on the Frontiers, *One Sixth* Part of a Dollar by the Mile, as Subsistence-Money, to be paid by the Paymasters herein after appointed for the several Counties, on Orders from the Officers who muster such Recruits respectively.

Mileage

12. AND BE IT FURTHER ENACTED, That there shall be allowed and paid to each of the said Officers and Privates during the Time they shall serve agreeably

Wages

ably to the Directions of this Act, as an Equivalent or in Lieu of certain Necessaries supplied to the Continental Troops, by a late Resolution of the Legislature of this State, over and above the present Continental Pay, as follows, by the Month, *that is to say*, To a Colonel, *Sixty-five Dollars*; to a Lieutenant-Colonel, *Fifty-five*; to a Major, *Forty-five*; to a Captain, *Thirty-five*; to a Lieutenant, *Thirty*; to an Ensign, *Twenty-five*; and to each non-commissioned Officer and Private, *Twenty*, including the Bounty allowed to the Militia when on Duty, which the Paymasters for the Time being appointed to pay the Militia of this State in the respective Counties where such Troops may serve, shall pay on separate Payrols being exhibited, properly certified and authenticated.

Lighthorse-
Men to be en-
gaged, their
Pay and
Bounty.

13. AND BE IT FURTHER ENACTED, That the Colonel or Commanding Officer of the said Levy be authorized and empowered to engage, during the Term aforesaid, any Number of proper Persons not exceeding twelve, to serve as Lighthorse-Men under the Command of the said Colonel or other Officer of the said Levy, as the Case may require; and that each Horseman so employed, being well equipped and accoutred, shall be entitled to receive for the Hire of his Horse, over and above the Bounty and Pay allowed to a Private by this Act, *Twenty Dollars* by the Month, and when on such Duty as necessarily prevents his drawing Rations for himself and Forage for his Horse, he shall be entitled to receive in Lieu thereof *Six Dollars* by the Day; and the said Horsemen shall be paid under the same Restrictions and by the same Persons as this Act directs for paying the said Troops.

Surgeons,
when to be
employed.

14. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Colonel or Commanding Officer of the said Levy, or the Officer commanding a Detachment of the same at a separate Post, and they and each of them are hereby authorized and empowered, as often as may be necessary, to employ a Surgeon or Surgeons to attend such Officers, Non-commission Officers and Privates belonging to the said Levy as may be sick or wounded, and where it may be impracticable or inconvenient to send such sick or wounded Persons to a Continental Hospital, and to transmit Accounts of the Expences incurred in this Behalf, properly authenticated by the Oath or Affirmation of such Surgeon or Surgeons, to the Legislature at their next Sitting, for their Allowance and Settlement.

Persons to
pay the
Bounty, &c.

15. AND BE IT ENACTED, That the following Persons be appointed in their respective Counties to pay the Bounty, Subsistence-Money and Mileage, as aforesaid, *that is to say*, For the County of Bergen, *David Board*; for the County of Essex, *Isaac Halfey*; for the County of Middlesex, Colonel *John Neilson*; for the County of Monmouth, *John Craig*, Merchant; for the County of Somerset, *Edward Bunn*; for the County of Burlington, Colonel *William Shreve*; for the County of Gloucester, *Samuel Kaighn*; for the County of Salem, *Thomas Carpenter*; for the County of Cape-May, *Henry-Young Townsend*; for the County of Hunterdon, *Gerstom Lee*; for the County of Morris, *Joseph Lewis*; for the County of Cumberland, *Ephraim Seeley*; and for the County of Sussex, *Charles Rhoades*.

Treasurer to
pay the Pay-
masters.

16. AND BE IT FURTHER ENACTED, That the Treasurer pay out of the publick Money in his Care to the said Paymasters, any Sum or Sums not exceeding such as are affixed to their respective Names, as follows:

To *David Board*, Nine Hundred and Twenty Pounds.
To *Isaac Halfey*, One Thousand Nine Hundred and Twenty-four Pounds.
To Colonel *John Neilson*, One Thousand Six Hundred and Sixty Pounds.
To *John Craig*, One Thousand Nine Hundred and Eighty-six Pounds.
To *Edward Bunn*, One Thousand Eight Hundred and Seventy Pounds.
To Colonel *William Shreve*, Two Thousand Three Hundred and Eighty-five Pounds.
To *Samuel Kaighn*, One Thousand Six Hundred and Eighty Pounds.
To *Thomas Carpenter*, One Thousand Six Hundred Pounds.
To *Henry-Young Townsend*, Six Hundred Pounds.

To

To *Gerboom Lee*, *Three Thousand Three Hundred and Fifteen Pounds*.
 To *Joseph Lewis*, *One Thousand Eight Hundred and Forty-five Pounds*.
 To *Ephraim Seeley*, *One Thousand Two Hundred and Forty-five Pounds*. And,
 To *Charles Rhodes*, *One Thousand Five Hundred and Eighty Pounds*; taking
 their respective Receipts for the Sum or Sums so paid, which shall be his sufficient
 Voucher for so much of the publick Money in the Settlement of his Accounts.

17. AND BE IT ENACTED, That the said Paymasters shall, on receiving Orders from the Colonel or Commanding Officer of each Regiment as aforesaid, pay to each and every Recruit enlisted, mustered, and equipped as aforesaid, or to his Order in Writing, the Bounty, Subsistence-Money, and Mileage allowed and specified in this Act, taking the Receipt of such Recruit, or if paid by Order, that of the Person bearing the same. And the said Paymasters respectively are hereby enjoined and directed to lay their Accounts, duly stated, with their Receipts and Vouchers as soon as may be, after paying the said Recruits, before the Committee appointed by Law to settle and adjust the publick Accounts of this State, if the same shall at that Time be sitting, and if not, then before the Legislature at their next Sitting thereafter, retaining *Two per Cent.* on the Money they may have paid out, and *Three Shillings and Nine-pence* by the Mile for going to the Treasury to draw the same, as a Compensation for their Trouble.

Paymasters to
pay the Bounty,
&c.

18. AND BE IT ENACTED, That if any of the Paymasters appointed by this Act shall refuse to accept, or by Death or Disability be prevented from doing the Duties required of them, it shall and may be lawful for any two Justices of the Peace for the County where such Vacancy shall happen, to appoint another, who shall be vested with the Powers, and entitled to the Rewards herein given and allowed to those in this Act named.

Paymasters
refusing to
act, how to be
supplied.

19. AND BE IT ENACTED, That each and every Officer of the Militia, while employed in discharging the Duties required by this Act, shall receive Wages as if in actual military Service, to be paid by the Paymasters of the respective Counties on Rolls duly made out and authenticated; and if any Field Officer, Captain or other Officer shall wilfully neglect or refuse to do any Matter or Thing required of him by this Act, he shall, for such his Neglect or Refusal, forfeit the Sum of *One Hundred Pounds*; and if through any such Neglect or Refusal the good Purposes of this Act shall be delayed, and the Quota of Men of any County or Regiment not procured, that then the Officer next in Command shall proceed to do the Duties, and pursue in every Instance the Directions of this Act to his superior Officer so neglecting or refusing, in order to procure the Quota of Men required. And such Officer next in Command, on Neglect or Refusal as aforesaid, shall, for such Neglect or Refusal, forfeit the Sum of *One Hundred Pounds*; and in either Case the Forfeiture shall be recovered by Action of Debt at the Suit of the Collector of the County, who is hereby enjoined to prosecute the same, and pay the Money when recovered into the Treasury.

Wages, &c.
of Officers
while dis-
charging the
Duties of this
Act.

Passed at Trenton, June 2, 1779.

C H A P. XXV.

An ACT to amend an Act, intituled, An Act to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes, and to repeal the former Act for that Purpose; and to suspend the Operation of one other Act therein mentioned.

WHEREAS by the Act, intituled, *An Act to erect and establish Courts in the several Counties in this Colony for the Trial of small Causes,*

Preamble.

R

Causes,

C H A P. CCXLII. See in general

** An ACT for the regulating, training, and arraying of the Militia, and for providing more effectually for the Defence and Security of the State.*

Passed Jan. 8, 1781.

Preamble.

WHEREAS the several Laws heretofore made for the Government of the Militia, and for the Purpose of directing the internal Force of the State to the Preservation and Safety of the same, have been found inadequate to these important Purposes, and have become, from their Number and Diversity, difficult to be understood and executed; Therefore,

Militia—how to be divided.

SECT. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That, from and after the Publication of this Act, the Militia of this State shall be divided into three Brigades, as follows: The Militia of the Counties of Bergen, Essex, Morris, Sussex, and of those Parts of the Counties of Middlesex and Somerset lying on the Northern and Eastern Side of Raritan River, and of the South Branch of the same, shall compose the upper Brigade; the Militia of the Counties of Monmouth, Hunterdon and Burlington, and of those Parts of the Counties of Middlesex and Somerset lying on the Southern and Western Side of the said River Raritan, and of the South Branch of the same, shall compose the middle Brigade; and the Militia of the Counties of Gloucester, Salem, Cape-May and Cumberland, shall compose the lower Brigade.

Brigades, by whom to be commanded.

2. AND BE IT FURTHER ENACTED, That each Brigade shall be commanded by a Brigadier or Colonel Commandant, who shall be the eldest Colonel, and if there is no Colonel, the eldest Lieutenant-Colonel of the Regiments which compose the Brigade, to be determined by the Date of their several Commissions; which Brigadiers, Colonels, or Lieutenant-Colonels Commandant, shall be empowered to appoint a Major of Brigade, to rank as Major of the Militia, and receive Pay on the Certificate of his Brigadier, Colonel or Lieutenant-Colonel Commandant.

Regiments, how to be officered.

3. AND BE IT FURTHER ENACTED, That each Regiment or Battalion shall be officered with one Lieutenant-Colonel (except where a Colonel is already appointed) and one Major; and also with an Adjutant, who shall be taken from the Line, and rank as First Lieutenant, and when in Service be entitled to the Pay and Rations of a Captain; one Quartermaster, who shall also be taken from the Line, rank with Lieutenants, and receive like Pay and Rations when in Service; and when Circumstances will admit, a Surgeon; which Regimental Staff-Officers shall be appointed by the Field Officers or a Majority of them; and the Commanding Officer of each Regiment or Battalion shall appoint a Sergeant-Major. PROVIDED ALWAYS, That where two Majors have been heretofore appointed and commissioned in any Regiment or Battalion both shall be continued, but Vacancies happening in the Office of Second Major, shall not hereafter be supplied.

Proviso

4. AND

* See a Supplement to this Act, Chap. CCCXIX.

4. AND BE IT FURTHER ENACTED, That the Field Officers of each Regiment or Battalion within this State, in Conjunction with the commissioned Officers of the several Companies of their respective Regiments or Battalions, shall, immediately after the Publication of this Act, appoint one reputable Frecholder, not a Military Officer, within the District of their Regiment or Battalion, to act as Treasurer to the same; who, on Notification of his Appointment, shall repair to some Justice of the Peace and take an Oath for the due Performance of his Office, whose Duty it shall be to receive all the Monies arising from the Fines and Forfeitures directed to be raised or imposed by Virtue of this Act, and not otherwise disposed of, and to pay such Draughts as may be made from Time to Time by the Commanding Officer of the Regiment or Battalion, or of the several Companies which compose the Regiment or Battalion to which he belongs. Treasurer to be appointed to each Regiment. PROVIDED NEVERTHE-
LESS, That the County of *Monmouth* shall, on Account of its present Circumstances, have one common Treasurer to the three Regiments within the same, to be appointed by a Majority of the Officers of the said Regiments jointly, whose Duties, Powers, and Compensation shall be the same in all Cases respecting the said three Regiments with those of the Treasurer of any particular Regiment appointed as aforesaid, excepting that he shall not discharge the Draught of either of the Commanding Officers of the said Regiments to any other Amount than in Proportion to the usual Numbers who turn out from the said Regiments respectively, in the Military Service of their Country, a Return of which Numbers shall be made by the Officers appointing the Treasurer as aforesaid to the said Treasurer from Time to Time, as Occasion may require. Proviso.

5. AND BE IT ENACTED, That the Regimental Treasurer for the Time being, shall keep proper and distinct Accounts of the Monies arising from the Fines and Forfeitures of the Field and Staff-Officers, and of the Officers and Privates of each Company which compose the Regiment, entered separately in a Book kept by him for that Purpose, keeping proper Vouchers for all Sums of Money he may pay out on the Draughts of the Officers aforesaid, and render an Account of the Monies received and paid out as aforesaid every six Months, to the Board of Officers appointed for that Purpose; and the said Treasurer shall be entitled to Regimental Treasurers to keep and render Accounts, *One per Centum* for all Monies he may receive or pay out. Wages.

6. AND BE IT ENACTED, That the Field and other commissioned Officers of each Regiment or Battalion are hereby constituted a Board, vested with full Authority to examine and adjust the Accounts of the Regimental Treasurer, and are hereby required to meet once in six Months for that Purpose, at some Time and Place, of which all Parties shall be timely notified; and in case of Mal-practice, Embezzlement, or any sufficient Default, the said Board of Officers are required to displace the said Treasurer and appoint another in his Room; which Successor in Office is hereby authorized and empowered to prosecute the Defaulter for any Sum or Sums of Money remaining in his Hands belonging to the Regiment, in any Court where the same may be cognizable, with Costs of Suit. Field and Commission Officers, a Board to examine Accounts.

7. AND BE IT FURTHER ENACTED, That each Company shall be officered with a Captain, a Lieutenant, and an Ensign, and also with four Sergeants and four Corporals, to be elected by the Companies respectively; Companies, how to be Officered, and

Vacancies
supplied.

spectively; and the Commissioned Officers shall appoint for the same a Drummer and a Fifer; and in case of any Vacancy or Vacancies happening amongst the Commissioned Officers of any Company, the Captain or Commanding Officer of the same shall, within thirty Days thereafter, call his Company together, and the Officers and Privates, when met, shall appoint a Clerk to manage the Election, and certify the same when made, and by Plurality of Voices elect such Officer or Officers as may be wanting; and in case no Commissioned Officer should remain in any Company, the Commanding Officer of the Regiment or Battalion shall in the same Time, by Advertisements set up in at least three of the most publick Places within the Bounds of the said Company, call them together for the Purpose aforesaid, and himself attend to direct and regulate the Election. PROVIDED ALWAYS, That where two Lieutenants have been heretofore appointed and commissioned in any Company, both shall be continued, but Vacancies happening in the Office of Second Lieutenant shall not hereafter be supplied.

Proviso.

Vacancies in
the non-com-
missioned
Officers, &c.
and Penalty
for refusing to
act as one.

8. AND BE IT FURTHER ENACTED, That all Vacancies happening among the Non-commissioned Officers of any Company shall be supplied as often as necessary by such Company when assembled for training, and if the Company refuse to choote such Non-commissioned Officers, they shall be appointed by the Commissioned Officers of the Company; and if any Person refuse to act as a Sergeant, Corporal, Drummer or Fifer, when duly elected or appointed for that Purpose, he shall be fined the Sum of *Three Pounds*, to be recovered and applied as herein after is directed. PROVIDED ALWAYS, That no Person shall be fined more than once in the Space of a Year for refusing to serve in any Office to which he may be elected or appointed.

Proviso.

Officers, how
commissioned,
&c.

9. AND BE IT FURTHER ENACTED, That the said Brigade, Field, and other Commissioned Officers and Staff-Officers respectively, shall be commissioned by the Governor or Commander in Chief for the Time being, upon Certificates of their due Election or Appointment from those who elect or appoint them respectively, or by their Order; and the Non-commissioned Officers of Companies shall act under Warrants from the Captain or Commanding Officer of the Company to which they belong. PROVIDED ALWAYS, That every Officer elected as aforesaid, previous to his receiving his Commission, shall take and subscribe the Oaths of Abjuration and Allegiance, as prescribed in an Act, intitled, * *An Act for the Security of the Government of New-Jersey*, passed the nineteenth Day of September, One Thousand Seven Hundred and Seventy-six, before some Person authorized to administer the same, which shall be certified by the same Persons, and in the same Certificate with his Election into Office; and if any Person elected or appointed an Officer as aforesaid shall neglect to take the Oaths aforesaid within thirty Days after his said Election or Appointment, his Office shall be deemed vacant, and a new Choice be made.

To take the
Oaths.

Captains to
keep Lists.

Exemptions.

10. AND BE IT ENACTED, That the Captain or Commanding Officer of each Company shall keep a true and perfect List or Roll of all effective Men between the Ages of sixteen and fifty Years, residing within the District of such Company. PROVIDED ALWAYS, That the Delegates representing this State in the Congress of the United States, the

Members

* Chap. 11.

Members of the Legislative-Council and General Assembly, the Judges and Justices of the Supreme and Inferior Courts, the Judge of the Court of Admiralty, the Attorney-General, the Secretary, the Treasurer, the Auditor of Accounts, the Clerks of the Council and General Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, the Superintendant of Purchases, the County Contractors, Postmasters, Ministers of the Gospel of every Denomination, the President, the Professors and Tutors of Colleges, Sheriffs, Coroners, one Constable for each Township, to be determined by the Court of Quarter-Sessions of the County, two Ferry-men for each publick Ferry on the *Delaware* below the Falls at *Trenton*, and one for every other publick Ferry in this State, Slaves, and every Person exempted by any particular Law of this State, shall not be borne on any such Lifts or Rolls, or be subject to Military Duty.

11. AND BE IT ENACTED, That every Person enrolled as aforesaid, shall constantly keep himself furnished with a good Musket well fitted with a Bayonet, a Worm, a Cartridge-Box, twenty-three Rounds of Cartridges sized to his Musket, a Priming-Wire, Brush, six Flints, a Knap-sack and Canteen, under the Forfeiture of *Seven Shillings and Six-pence* for Want of a Musket, and *One Shilling* for Want of any other of the aforesaid Articles, whenever called out to Training or Service; to be recovered and applied as herein after is directed. PROVIDED ALWAYS, That if any Person be furnished as aforesaid with a good Rifle-Gun, the Apparatus necessary for the same, and a Tomahawk, it shall be accepted in Lieu of the Musket and the Bayonet and other Articles belonging thereto.

Arms and Accoutrements to be procured by each Man.

Penalty on Neglect.

Proviso.

12. AND BE IT ENACTED, That each Person enrolled as aforesaid, shall also keep at his Place of Abode one Pound of good merchantable Gunpowder, and three Pounds of Ball sized to his Musket or Rifle, and for Want of either shall forfeit the Sum of *Three Shillings*, to be recovered and applied as herein after is directed. PROVIDED ALWAYS, That if any Person enrolled as aforesaid shall, by a Majority of the commissioned Officers of the Company to which he may belong, be deemed and adjudged unable to purchase the Arms, Accoutrements, and Ammunition above specified, he shall be exempted from the Forfeiture for any Deficiency therein until he can procure them, or they are provided for him.

Ammunition to be kept by each Man.

Proviso.

13. AND BE IT FURTHER ENACTED, That the Captain or Commanding Officer of each Company shall, once in every four Months, order a Sergeant to call at the Place of Abode of each Person enrolled as aforesaid, for the Purpose of examining the State of his Arms, Accoutrements, and Ammunition, of which the Sergeant shall make exact Report to the Officer issuing the Orders, and if the Captain shall neglect his Duty herein he shall forfeit *Six Pounds*; and if any Sergeant shall neglect his Duty in this Respect he shall forfeit and pay for each Offence the Sum of *Three Pounds*, to be recovered and applied as herein after is directed; and for this Service he shall receive the Sum of *Three Shillings and Nine-pence* for each Day he shall be necessarily engaged therein, to be paid by the Treasurer of the Regiment, on an Order from the Captain or Commanding Officer of the Company, certifying the Number of Days the Sergeant was on the Duty, the Treasurer taking the Sergeant's Receipt on the Back of the Order for the same.

Sergeants to examine and report State of Arms, &c.

Penalty for Neglect.

Wages for this Service.

Z z

14. AND

Days of mustering in Companies.

Penalty in case of Absence.

14. AND BE IT FURTHER ENACTED, That each Company shall assemble, properly armed and accoutred, not later than ten o'Clock in the Forenoon of the first *Monday* in the Months of *April* and *September* every Year, at such Place as the Commanding Officer of the Company shall appoint, and there spend the Remainder of the Day in Training and Exercise, and that the Penalty in case of Absence shall be as follows: On a Captain, *Three Pounds*; on a Lieutenant or Ensign, *Forty Shillings*; on a Non-commissioned Officer or Private, any Sum not under *Five Shillings* nor more than *Forty Shillings*; and in due Proportion for attending later than the Hour above limited.

Days of Regimental Musters.

Returns of Companies to be required and made.

Forfeitures.

Proviso.

15. AND BE IT FURTHER ENACTED, That each Regiment or Battalion shall assemble, properly armed and accoutred, twice in a Year, *videlicet*, On the first *Monday* in *June* and *November*, at such Hour and Place as the Field Officers, or a Majority of them, shall appoint, for the Purpose of Training and Exercise; and the Colonel or Commanding Officer, after parading his Regiment or Battalion, shall require from the Captain or Commanding Officer of each Company a Return of the commissioned and Non-commissioned Officers and Privates of his Company, and a State of their Arms, Accoutrements, and Ammunition; and if the Captain or Commanding Officers of Companies shall neglect or refuse to make such Return, they shall forfeit for each Neglect or Refusal the Sum of *Six Pounds*; and the Penalty in case of Absence on the Day of Regimental Training or Review shall be as follows: On a Colonel or Lieutenant-Colonel Commandant, *Ten Pounds*; on a Lieutenant-Colonel, *Eight Pounds*; on a Major, *Six Pounds*; on a Captain or Adjutant, *Five Pounds*; on a Lieutenant, Quartermaster, or Ensign, *Three Pounds*; on Non-commissioned Officers and Privates, any Sum not less than *Ten Shillings* nor more than *Three Pounds*; and in due Proportion for attending later than the Hour specified in the Order for Meeting; to be recovered and applied as herein after is directed. PROVIDED ALWAYS, That if the local Situation of the Companies composing any Regiment or Battalion be such as may render it inconvenient to assemble the Whole at the same Time and Place, it shall and may be lawful for the Field-Officers, or a Majority of them, to assemble such Regiment or Battalion by Parts, at different Times, and in different Places, each Part being assembled twice in a Year.

Returns of Regiments to be made and when, and Penalties for Neglect.

Of Brigades.

Of the Whole of the Militia.

16. AND BE IT FURTHER ENACTED, That the Colonel or Commanding Officer of each Regiment or Battalion shall make Returns of his Regiment or Battalion, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *July* and *December*, yearly, and every Year, to the Brigadier or Commanding Officer of the Brigade to which such Regiment may belong, under the Penalty of *Twenty Pounds*, and shall also make Return in the said Months, of the State of the Magazines of Arms, Accoutrements and Ammunition belonging to his Regiment or Battalion, to the Keeper of the Magazine or Commissary of Military Stores of the State for the Time being, under the Penalty of *Twenty Pounds*; and the Brigadier or Commanding Officer of each Brigade shall make Return of his Brigade to the Major-General, in the Months of *January* and *August*, every Year, under the Penalty of *Twenty-five Pounds*; and the Major-General shall make Returns to the Governor or Commander in Chief of the State, in the Months of *February* and *September*, every Year, under the Penalty of *Fifty Pounds* for each Default: Which

several

several Penalties shall be recovered from the Officer whose Duty it was to make the Return, by a Justice of the Peace of the County where the Offender may reside, at the Instance of the Officer to whom the Returns in the above Cafes are directed to be made, and paid to the Treasurer of the Regiment within the Bounds of which the Offender may reside.

17. AND BE IT FURTHER ENACTED, That if any Field or other Commissioned Officer, or Staff-Officer, at any Regimental Review or Company Training, or on any other Occasion, when the Regiment, Battalion or Company to which he may belong, or in which he holds Command, is paraded in Arms, shall misbehave or demean himself in an un-officer like Manner, he shall for such Offence be cashiered or punished by Fine, at the Discretion of a Brigade or Regimental Court-Martial, as the Case may require, in any Sum not exceeding *Ten Pounds*; and if any Non-commissioned-Officer or Private shall, on any Occasion of parading the Company to which he may belong, appear with his Arms and Accoutrements in an unfit Condition, be found drunk, disobey Orders, or shall use any abusive Language to his Officers, or any of them, or shall engage in, or promote, Quarrels among his Fellow-Soldiers, he shall be punished by Fine in any Sum not under *Five Shillings* nor above *Three Pounds*, or be disgraced and put under Guard, by Order of the Commanding Officer present until the Company is dismissed.

Officers or Privates misbehaving on Parade, how to be punished.

18. AND BE IT FURTHER ENACTED, That if the Colonel or Commanding Officer of any Regiment or Battalion shall neglect or refuse to give Orders for assembling his Regiment or Battalion, on any necessary Call of the Militia into actual Service, at the Direction of his Brigadier, Colonel or Lieutenant-Colonel Commandant of the Brigade, he shall be cashiered or punished by Fine, at the Discretion of a Brigade Court-Martial, in any Sum not exceeding *Fifty Pounds*, to be recovered and applied as herein after is directed; and if the Captain or Commanding Officer of any Company shall, on any Occasion where it may be necessary as aforesaid, neglect or refuse to give Orders for assembling his Company, at the Direction of the Colonel or Commanding Officer of the Regiment or Battalion to which such Company belongs, he shall be cashiered or punished by Fine, at the Discretion of a Regimental Court-Martial, in any Sum not exceeding *Thirty Pounds*, to be recovered and applied as herein after is directed; and if any Sergeant or Corporal shall neglect or refuse to warn the Company to which he may belong, on any Occasion when it may be necessary, agreeably to the Orders of the Captain or Commanding Officer thereof, he shall be subject to be fined in any Sum not exceeding *Five Pounds*, to be recovered and applied as herein after is directed; and every Non-commissioned Officer, whilst engaged in warning the Company to which he belongs, shall receive *Three Shillings and Nine-pence* by the Day, for the Time he may be necessarily engaged in said Service.

Disobedience of Orders for assembling Militia, how to be punished.

Wages for warning the Company.

19. AND BE IT ENACTED, That the Captain or Commanding Officer of each Company shall at all Times keep a true List of his Company, divided into eight Classes, as nearly equal as possible, and reckoned from one to eight numerically, allotting to each Class a Sergeant or a Corporal, which Classes shall perform Duty in Rotation; a Copy of which List, divided into Classes, the Captain or Commanding Officer of the Company is required to transmit to the Commanding Officer of the

Companies to be classed.

the Regiment or Battalion, on any Occasion of making a Return of his Company.

Tour of Duty
of the Officers
to be deter-
mined.

20. AND BE IT FURTHER ENACTED, That where it is not already done, the Colonel or Commanding Officer of each Regiment or Battalion shall immediately call the Officers of the several Companies in his Regiment or Battalion together, and determine the Tour of Duty of the Captains, Lieutenants and Ensigns distinctly, and on any Call of the Militia into Service, the Commanding Officer of the Regiment or Battalion shall order out the Officers in just Rotation, proportioned to the Number of Privates who may appear to march into Service; and the Brigadier or Commanding Officer of the Brigade shall determine the Tour of Duty of the Field Officers, and when Occasion requires, shall order them into Service accordingly.

Not more
than Half the
Militia to be
ordered out
of the State at
the same
Time.

21. AND BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Consent of the Legislature when Sitting, and during their Recess with the Advice and Consent of the Privy Council, on Requisition of the Congress of the United States, or upon Application of the Commander in Chief of the Army of the United States, or of any General Officer commanding a Division or Detachment thereof, or of the Executive Power of any of the adjoining States, or on any Emergency that may make the same necessary, to order into actual Service into any of the adjoining States, such and so many of the Classes of the Militia as may be necessary, not exceeding four at any one Time, to be drawn alike from the several Companies of such Regiments or Battalions as are to furnish the Detachment, to be officered accordingly.

Governor
may order
out Half the
Militia as
Guards.

22. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, to call out, station and continue by Reliefs, as a Defence to the State, within the same, such and so many Classes as may be at any Time necessary, not exceeding four, to be arrayed and officered as aforesaid. PROVIDED ALWAYS, That where not more than Half the Militia are called out and embodied, no Detachment shall be continued in Service more than one Month at the same Time.

Provided.

Governor
may order
out the
whole Militia
in case of
Invasion, &c.

23. AND BE IT FURTHER ENACTED, That in case of sudden Invasion, Insurrection, Sedition or Alarm by the Enemy or their Adherents, it shall and may be lawful for the Governor or Commander in Chief for the Time being, to call out and array the Whole of the Militia, or such or so many entire Regiments or Battalions situate near to the Place where the same may be required, as he may think necessary to repel the Invasion, and to restore the Peace of the State.

In case of In-
vasion, &c.
Officers of
Regiments
and Companies
to assemble
them.

24. AND BE IT ENACTED, That it shall and may be lawful for the Captain or Commanding Officer of any Company, and he is hereby required and commanded to assemble his Company in every such Case, and oppose the Invaders or Insurgents, without waiting for Orders from the Commanding Officer of the Regiment or Battalion to which such Company belongs, and for the Colonel or Commanding Officer of any Regiment or Battalion to assemble his Regiment or Battalion for the same Purpose, without waiting for Orders from his superior Officer.

PROVIDED

PROVIDED ALWAYS, That every Officer so acting without Orders shall make Report to his Commanding Officer of his Proceedings in due Form, as soon as possible.

25. AND BE IT FURTHER ENACTED, That in all Cases where Notice is required to be given to the Militia by this Act, verbal Notice given to the Party himself or left at his usual Place of Abode, with any white Person of Years of Discretion belonging to the Family, by any commissioned or non-commissioned Officer of the Company, shall be deemed legal and sufficient.

Verbal Notice sufficient.

26. AND BE IT FURTHER ENACTED, That where any Company shall be under the Necessity, on any sudden Alarm, to retire before the Enemy, and it may be dangerous or impracticable for the Captain or Commanding Officer of such Company to give regular and proper Notice to the Persons belonging to such Company to appear or march against the Enemy or their Adherents, then and in that Case such Alarm shall, without any other Notice, be sufficient Warning, and Delinquents shall be liable to Punishment accordingly.

Alarm sufficient Notice in some Cases.

27. AND BE IT ENACTED, That if any Field or other commissioned Officer, or Staff-Officer, shall neglect or refuse to serve in his proper Tour of Duty, when a Part only of the Militia is called, or to march immediately with his Regiment, Battalion or Company, when the Whole is called, he shall for each Default be tried by a Brigade or Regimental Court-Martial, as the Case may require; and if convicted shall be cashiered and rendered incapable of holding any Military Office for one Year, or shall be punished by Fine in any Sum not less than *Ten* nor more than *Fifty Pounds*: And if any Non-commissioned Officer or Private shall neglect or refuse to serve in his Tour, or find a sufficient Substitute to serve in his Stead, to be approved by the Captain or Commanding Officer of the Company, or shall neglect or refuse to render Personal Service when the Whole of the Militia are called, he shall for each Default be fined not less than *Five* nor more than *Thirty Pounds*.

Officers refusing to march, how to be punished.

Non-commissioned Officers and Privates.

28. AND BE IT FURTHER ENACTED, That if any Commissioned or Non-commissioned Officer or Private shall at any Time when the Whole or any Detachment of the Militia are called out upon Duty, or before the Expiration of his Tour or the Discharge of his Regiment or Company, leave his Regiment or Company without a Furlough obtained of his superior Officer, if a Commissioned Officer, be tried by a Court-Martial, and be cashiered and fined at their Discretion, in any Sum not exceeding *Fifty Pounds*; and every Non-commissioned Officer or Private so offending shall, for every such Offence, forfeit all the Pay or other Reward which may be due to him at the Time of his Defection, and moreover shall be fined in any Sum not exceeding *Fifty Pounds*; and the Commanding Officer of such Detachment is hereby strictly required and enjoined to make Return of such Officer or Private as aforesaid, to the Commanding Officer of the Regiment, Battalion or Company to which he may respectively belong, who is likewise required to proceed against him accordingly.

Officers or Privates departing from Duty without Furlough, how to be punished.

29. AND BE IT FURTHER ENACTED, That all Fines and Forfeitures herein before directed or imposed for the Assessment, Recovery or Application

Fines, how to be assessed.

Reasonable
Excuses to
be admitted.

plication of which no special Provision is made, shall be assessed by the Officers, and recovered and applied in Manner herein after directed; and all Officers empowered to assess Fines and Forfeitures, are likewise empowered to adjudge of and admit reasonable Excuses, in Discharge of the Whole or a Part thereof, always having strict Regard to the Rank, Condition or Estate of the Offender or Delinquent, and the Circumstances of the Offence.

How Excuses
are to be de-
cided upon.

30. AND BE IT FURTHER ENACTED, That the Colonel or Commanding Officer of each Regiment or Battalion shall hear and decide upon the Reasons assigned by any other Field Officer thereof punishable by Fine, provided such Reasons be offered within ten Days; and the Field Officers of each Regiment or Battalion, or a Majority of them, shall meet at some more convenient Time, not exceeding fifteen Days after any Regimental Training or Review, or after a Call of the Whole or any Part of such Regiment or Battalion into actual Service, if it may be necessary, of the Time and Place of which Meeting timely Notice shall be given to the Parties concerned, by the Direction of the Colonel or Commanding Officer, and shall then and there decide upon the Excuses of the Captains or Commanding Officers of Companies, and Staff-Officers; and the Captain or Commanding Officer of each Company shall hear and determine upon the Reasons offered by any Subaltern Officer thereof for Default, punishable by Fine, provided such Reasons be given within ten Days; and the Commissioned Officers of each Company, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any Regimental or Company Training, or any Call of a Part or the Whole thereof into actual Service, of the Time and Place of which Meeting due and seasonable Notice shall be given by Advertisements set up in at least three of the most publick Places within the Bounds of the Company, ten Days before such Meeting, or otherwise as the Commanding Officer may think best, and shall then and there hear and decide upon the Excuses of non-commissioned Officers and Privates. PROVIDED ALWAYS, That if by any unforeseen Circumstances, the Duties herein required cannot be performed within the Times limited, the same shall be performed as soon thereafter as Circumstances will admit.

Provido.

How, how
to be recover-
ed.

31. AND BE IT FURTHER ENACTED, That when any Fine or Forfeiture is incurred by any Field Officer, other than the Commanding Officer of the Regiment, Staff-Officers, Captains or Commanding Officers of Companies by Virtue of this Act, it shall be recovered by a Warrant from the Colonel or Commanding Officer of the Regiment to which they respectively belong, directed to his Sergeant-Major; and that when any Fines or Forfeitures are incurred by any Subaltern, non-commissioned Officer or Private, by Virtue of this Act, they shall be recovered by Warrant from the Captain or Commanding Officer of the Company to which they may belong, directed to a Sergeant or Corporal of the said Company; which Fines and Forfeitures, in case of non-Payment on the first Demand, shall be made by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and where no Goods can be found whereon to levy, that then and in such Case the said Sergeant or Corporal shall deliver the Delinquent or Delinquents to the Sheriff of the County, or to his Gaol-Keeper, who are hereby required to receive and keep in close Custody the said Delinquent or Delinquents, until

until the Fines or Forfeitures be fully satisfied; and the said Sergeant-Major, Sergeant or Corporal, respectively, shall receive for each Person specified in the Warrant, on the Recovery of their respective Fines and Forfeitures, the Sum of *Three Shillings and Nine-pence*. to be paid out of the Money arising from the Fines, if under the Direction of the twenty-seventh and twenty-eighth Sections of this Act; if otherwise, by the Treasurer of the Regiment, on an Order from the Commanding Officer of the Regiment or Company, as Occasion may be, who is hereby required to discharge the same, and take their Receipts therefor.

Fees of levying.

32. AND BE IT FURTHER ENACTED, That on any Occasion where Distress may be made for any Fine or Forfeiture in Virtue of this Act, on the Goods and Chattels of any Person or Persons delinquent as aforesaid, the Sergeant or Corporal officiating in such Case, shall levy on such Goods as may be pointed out by the Delinquent, or as the said Officer may judge can be best spared, and so much only as may be sufficient to make the Amount of the said Fine, as nearly as may be, and shall, previous to the Sale, give at least five Days Notice thereof, by Advertisements set up in three of the most publick Places within the Bounds of the Company.

What Goods to be levied upon.

Notice of Sale to be given.

33. AND BE IT ENACTED, That the Fines and Forfeitures of the Colonel or Commanding Officer of any Regiment or Battalion shall be demanded and recovered by any Justice of the Peace of the County in which he may reside, at the Instance of any commissioned Officer of the Regiment or Battalion; which Fine, when recovered, shall be paid, after deducting Costs by the said Justice, to the Treasurer of the Regiment.

Fines on Commanding Officers, by whom to be recovered.

34. AND BE IT ENACTED, That the Fines and Forfeitures of Minors, living with their Parents, and others having the proper Care and Charge of them, and those of Apprentices and Servants, shall be paid by their respective Parents, Guardians, Masters or Mistresses, or levied on their Goods and Chattels.

Fines on Minors, &c. by whom to be paid.

35. AND BE IT ENACTED, That no Distress shall be levied on the Arms, Accoutrements or Ammunition of any Non-commissioned Officer or Private, unless he shall be possessed of more than are necessary for his own Use and Equipment.

Distress not to be levied on Arms, unless, &c.

36. AND WHEREAS Complaints have been made that too much Rigour and Severity have been used heretofore, in carrying the Militia Law of this State into Execution, and that in some Instances reasonable Excuses have not been properly attended to, whereby many of the good Citizens of this State have been greatly oppressed; BE IT THEREFORE ENACTED by the Authority aforesaid, That the several Officers empowered by this Act to hear and decide upon the Excuses of any Delinquent, do, and they are hereby required and enjoined to attend to every just Complaint or Excuse, arising from Inability of Body or Insanity of Mind; and where no Excuses are exhibited, owing to Scruples of Conscience, they are likewise required to make every reasonable Enquiry of the Cases of those who might otherwise apply for Exemption or Relief, and in every Instance where such Matters are committed to their Decision, to act so that Justice and not Severity may characterize those who execute the Laws; and if any Doubt should arise respecting the Health or

Excuses to be attended to.

Validity

Validity of any Person, the Officers who are to Judge of the same, are hereby authorized to call to their Assistance some skilful Physician or Surgeon, as the Case may require, whose Judgment, certified on Oath, shall be conclusive.

Court of Appeals to moderate Fines.

37. AND BE IT FURTHER ENACTED, That on the Day of each Regimental Training or Review, the Colonel or Commanding Officer of each Regiment or Battalion shall nominate two Justices of the Peace, residing within the Bounds of such Regiment or Battalion, who, together with any one of the Field Officers of the same, shall constitute a Court for hearing and determining upon Appeals of such Persons as think themselves aggrieved by any Fines or Forfeitures imposed as aforesaid, to continue till the next Regimental Training, and shall fix the Times of their Meeting, which shall be sufficiently advertised through the District of the Regiment or Battalion; and the said Court, or any two of them, shall have Power to moderate or remit any Fine or Forfeiture for just and equitable Reasons, and a Certificate from them, or any two of them, shall enable the Appellant to receive from the Treasurer of the Regiment the Sums so remitted. PROVIDED ALWAYS, That no Appeal be allowed unless the money be first paid.

Proviso.

Doubts respecting Age, how to be obviated.

38. AND BE IT ENACTED, That in all Cases of Doubt respecting the Age of any Person enrolled, or intended to be enrolled in the Militia, the Party questioned shall prove his Age to the Satisfaction of the Officers of the Company within the Bounds of which he may reside, or a Majority of them.

Persons removing, to apply for a Discharge, &c.

39. AND BE IT FURTHER ENACTED, That every Person enrolled as herein before directed, intending to remove from the Company to which he may belong, into the Bounds of another within this State, shall, previous to such Removal, apply to the Captain or Commanding Officer of the Company from which he is about to remove, who shall give him a Discharge and Certificate, specifying the Time when and how long he was last in Service; which Certificate he shall produce to the Captain or Commanding Officer of the Company into the Bounds of which he shall to remove, within ten Days after such his Removal, and enrol himself accordingly; and if any Person shall neglect to apply for such Discharge and Certificate, and to produce it and enrol himself as aforesaid, he shall forfeit and pay any Sum not exceeding *Five Pounds*, to be recovered by the Captain or Commanding Officer of the Company within the Bounds of which he may remove, in the same Manner and to be applied to the same Uses as other Military Fines; and every Person who may be enrolled agreeably to the Description of this Act, removing from any of the neighbouring States into this State, shall, within ten Days after his coming within the Bounds of any Company into which he may remove, be enrolled by the Captain or Commanding Officer thereof.

Members of Courts-Martial, &c. their Pay.

40. AND BE IT FURTHER ENACTED, That it shall and may be lawful for Officers who may from Time to Time be summoned to attend as Members of Courts-Martial for the Trial of any Offender in Virtue of this Act, to receive Pay, and Allowance for Rations, agreeably to their Rank when in actual Service; and all Persons attending on the same as Evidences, shall be entitled to receive the same Pay and Allowance

ance for Rations as Privates whilst in actual Service, to be paid on a Certificate from the President of the Court-Martial, specifying the Number of Days they attended, by the Treasurer of the Regiment within the Bounds of which the Offender may reside.

41. AND BE IT FURTHER ENACTED, That the Commanding Officer of each Regiment, Battalion or Company within this State, is hereby authorized and empowered to administer an Oath or Affirmation on any necessary Occasion, in the Execution of this Act.

Commanding Officers to administer Oaths.

42. AND BE IT FURTHER ENACTED, That no civil Process shall be served on any Non-commissioned Officer or Private at any Regimental Review or Company Training, or on his Way to or from the same.

Civil Process, when not to be served.

43. AND BE IT FURTHER ENACTED, That no Officer or Private shall on the Way to or from the Place of any Regimental Review or Company Training, be obliged to pay more than one-third the usual Rate of Ferriage, or be charged any Toll for passing any Toll-Bridge; and if any Ferryman or Keeper of any Toll-Bridge shall presume to refuse a Passage, or make Demand contrary to the Direction of this Act, he shall for each Offence forfeit and pay the Sum of *Three Pounds*, to be recovered by any Person who will sue for the same, one Half to the Prosecutor, the other Half to be paid by the Justice to the County Collector, for the Use of the State.

Ferriage.

44. AND BE IT FURTHER ENACTED, That all Fines and Forfeitures imposed by this Act, except those incurred under the Direction of the twenty-seventh and twenty-eighth Sections of the same, or particularly disposed of by the Section under the Direction of which they may be incurred, shall be paid immediately after the Recovery thereof into the Hands of the Treasurer of the Regiment by the Officer by whose Warrant they were recovered, taking his Receipt for the same: And the Commanding Officer of each Regiment, Battalion or Company, is hereby required to keep an exact Account of all the Fines recovered by him from the Officers or Privates of his Regiment, Battalion or Company, and paid to the Treasurer aforesaid, in a Book kept for that Purpose, which may be produced as a Check on any future Settlement with the Treasurer.

Fines to be paid to the Treasurer.

45. AND BE IT FURTHER ENACTED, That one Half of the Monies arising from the Fines and Forfeitures incurred under the Direction of the twenty-seventh and twenty-eighth Sections of this Act, and recovered from the Non-commissioned Officers and Privates of any Company of the Militia, after deducting the Costs of collecting the same, shall be equally divided and distributed by the Commanding Officer of the Company amongst the Non-commissioned Officers and Privates of his Company who may have turned out in the Defence of their Country, taking their Receipts respectively for the same, and the other Half shall be paid into the Treasury of the Regiment; and one Half of the Fines and Forfeitures of any Subaltern Officer incurred or recovered as aforesaid, shall in like Manner be distributed among the Subaltern Officers of the Company who have performed the Duty required, and the other Half shall be paid into the Treasury of the Regiment; and the Fines and Forfeitures of Field Officers and Captains shall be paid by the Commanding Officer of the Regiment or Battalion, after deducting the Costs

And how appropriated.

on collecting the same, into the Hands of the Treasurer of the Regiment, taking his Receipt therefor.

Who to draw
Money for
Arms, &c.

46. AND BE IT FURTHER ENACTED, That the Colonel or Commanding Officer of each Regiment or Battalion may, and he hereby is authorized and empowered to draw from the Treasury of his Regiment or Battalion, such Sum or Sums of Money as he may from Time to Time find necessary for the Purpose of furnishing the several Companies composing the same with Arms, Accoutrements, Ammunition, Drums and Fifes, and for instructing Drummers and Fifers, so that the whole Amount of the Sums so drawn shall not at any Time exceed one Half the Amount of the Fines and Forfeitures which have been levied within his said Regiment or Battalion; for which Sums the said Commanding Officer shall give his Receipt to the said Treasurer, and remain accountable to the Board of Officers for the Disbursement of the same.

Militia sub-
ject to the
Articles of
War.

Provids.

47. AND BE IT ENACTED *by the Authority aforesaid*, That the Militia of this State, when in actual Service, shall be subject to the Rules and Articles of War established for the Government of the regular Troops of the United States. PROVIDED ALWAYS, That the Militia shall be tried by Courts-Martial composed of their own Officers only; and, PROVIDED ALSO, That the Pains and Penalties inflicted by any Court-Martial shall not extend to the taking of Life or Limb, or to any corporal Punishment, unless in the Cases following, *that is to say*, Any Officer or Private who shall hold a treacherous Correspondence with, or give Intelligence to the Enemy, or who shall misbehave before the Enemy in Time of Action, or shall desert to them, or shamefully abandon any Post, or who shall speak Words inducing others to offend in any of these Instances, shall, on due Conviction, suffer Death, or such other Punishment as a Court-Martial shall direct.

Pay and Ra-
tions.

48. AND BE IT ENACTED, That the Militia whilst in Service shall be entitled to the same Pay and Rations as the regular Forces of the United States; the said Pay to be drawn from the Paymaster appointed for the County to which they belong, on Payrolls made out on Oath by the Officer commanding the Company or Detachment on Duty.

Penalty on
Officers ne-
glecting to
pay Monies
arising from
Fines to the
Treasurer.

49. AND WHEREAS it appears that many Officers both Civil and Military, who have collected the Fines and Forfeitures of the Militia heretofore, have been remiss in paying the same into the Hands of the County Collectors as heretofore directed; BE IT ENACTED, That it shall and may be lawful for every Officer, Civil and Military, and they are hereby strictly required and enjoined to pay any Sums of Money arising from the Fines and Forfeitures of the Militia as aforesaid, and that may yet remain in their Hands, to the Treasurer of the Regiment or Battalion from which the same was collected, under the Penalty of *Fifty Pounds*, to be recovered by the said Treasurer; one Half of which he shall receive for himself, and the other Half for the Use of the Regiment or Battalion to which he belongs; and the said Treasurer is hereby authorized and required to make strict Enquiry where any such Fines and Forfeitures have been kept back, and on proper and sufficient Proof of the Fact, to prosecute the said Officer or Officers for any Sum which may appear to remain in his or their Hands, together with the Amount of the Penalty above-mentioned, in any Court where the same may be cognizable, with Costs of Suit.

50. AND

50. AND BE IT FURTHER ENACTED, That *Elias Woodruff*, Commissary of Military Stores, or the Commissary of Military Stores for the Time being of this State, do, and he is hereby authorized and required to call upon all Persons within the same who have heretofore been appointed to purchase Fire-Arms, Accoutrements, and Ammunition, or who have been entrusted with any Fire-Arms belonging to the State, to render an Account of their Purchases and Disposal thereof; and the Commanding Officer of each Regiment, Battalion or Company, and all other Persons whatsoever who have been entrusted with publick Arms and Accoutrements for the Use of the Militia of this State, are hereby required and enjoined to make a Return of the same to the said Commissary of Military Stores without Delay, that a true State of the publick Magazine may be known.

Account of Purchases, &c. of Arms to be rendered to the Commissary of Military Stores.

51. AND BE IT FURTHER ENACTED, That the Colonel or Commanding Officer of each Regiment or Battalion in this State shall be, and he is hereby authorized and empowered, as often as the same may be necessary, to apply in Person or by Order in Writing under his Hand, to the Commissary of Military Stores of the State for a Supply of Ammunition for his Regiment or Battalion, and to agree with some suitable Person to convey the same from the Magazine for that Purpose, the reasonable Expences of which Conveyance shall be paid by the Treasurer of this State, on an Order and Certificate from the said Commanding Officer to the said Treasurer; and the Commanding Officer of each Regiment or Battalion shall deliver out to the Commanding Officers of Companies the Ammunition so obtained in due Proportion to the Number of Men in each Company.

To whom Application is to be made for Ammunition, &c.

* 52. AND BE IT FURTHER ENACTED, That the Troops of Horse-Militia already formed within this State shall be completed and kept up, and that in Addition thereto another Company or Troop of Horse be immediately raised and formed in the Townships of *Woodbridge* and *Piscataway*; and it shall and may be lawful for such of the Inhabitants of the said Townships as are willing and desirous to be embodied and enrolled into the said Troop or Company, to assemble and meet together at a Time and Place to be for that Purpose appointed by the Colonel or Commanding Officer of the Regiment of Foot-Militia to which they at present belong, and then and there by Plurality of Voices to elect one Captain, one Lieutenant, and one Cornet; who, upon due Certification of such Election, and their having taken the Oaths of Abjuration and Allegiance as herein before directed in the ninth Section of this Act, shall be commissioned by the Governor or Commander in Chief for the Time being; and the said Inhabitants when so met shall also at the same Time elect four Sergeants and a Trumpeter.

Militia Troops of Horse to be completed and kept up.

Additional Troop.

53. AND BE IT ENACTED, That the Establishment of each Troop of Horse shall be a Captain, a Lieutenant, a Cornet, four Sergeants, a Trumpeter, and twenty-nine Privates; and that the Officers shall hold the same Rank respectively with the Officers of the Foot-Militia having like Command.

Establishment of a Troop of Horse.

54. AND BE IT FURTHER ENACTED, That each non-commissioned Officer and Private of every Troop of Horse shall at all Times keep himself

How to be accoutred.

* See Chap. CCCXIX, by which another Troop of Horse is permitted to be raised in the County of *Burlington*.

Penalties. self provided with a good Horse, a Saddle properly furnished with a Pair of Pistols and Holsters, a Cartridge Box with twelve Rounds of Cartridges sized to his Pistols, a Broad-Sword and Belt, a Cloak which will cover all the Arms and Accoutrements, with such other Articles of Armour and Furniture made in like Form and Manner as are usual and accustomed in the Equipment of Cavalry, and shall also keep at his Place of Abode one Pound of good merchantable Gun-Powder and three Pounds of Ball sized to his Pistols, under the Penalty of forfeiting *Six Pounds* for Want of a Horse, *Thirty Shillings* for Want of the Saddle and Bridle, *Twenty Shillings* for the Want of Pistols or a Broad-Sword, and *Five Shillings* for the Want of any other necessary Article whenever called out to Training or Service.

Horse to be under the Orders of the Commanding Officer of the Regiment. 55. AND BE IT FURTHER ENACTED, That each Troop of Horse shall be under the Command and Direction of the Colonel or Commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or Commanding Officer of such Troop may reside, and shall assemble for Training and Exercise, and in case of Alarm or other Exigency with such Regiment or Battalion, and in all other Respects, except as is before specified and declared, shall be under the same Regulations with the Foot Militia.

Artillery Companies to be completed and kept up. 56. AND BE IT FURTHER ENACTED, That the Companies of Artillery already formed agreeably to Law in the several Parts of the State shall be completed and kept up, and their Establishment of Officers and Privates, and also their Equipment, shall be conformable to the Establishment and Equipment of Artillery Companies in the regular Forces of the United States; and the Officers shall hold the same Rank respectively with the Officers of the other Militia having like Command; and moreover, the Fines and Forfeitures inflicted on the Officers and Privates for any Default shall be recovered and disposed of in like Manner as those inflicted on the regimented Militia.

To be under the Orders of the Commanding Officer of the Regiment. 57. AND BE IT FURTHER ENACTED, That each Company of Artillery shall be under the Command and Direction of the Colonel or Commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or Commanding Officer may reside, and shall assemble with the same as is herein before directed with Respect to the Troops of Horse, and in all other Respects shall be under the same Regulations with the Companies of the other Militia, as far as Circumstances will admit.

Who may not enter himself of a Troop of Horse, &c. 58. AND BE IT FURTHER ENACTED, That no Minor, Apprentice, or Servant shall be allowed to enter himself into any Troop of Horse or Company of Artillery without the Consent of those under whose Government, Care or Direction, such Minor, Apprentice or Servant may be; and generally no Person who is not able to provide himself with the Furniture and Equipment of a Horseman shall be allowed to enter himself into any such Troop.

Allowance for Rations. 59. AND BE IT FURTHER ENACTED, That the Troops of Horse belonging to the Militia of this State, when in actual Service, if at any Time they should be so situated as to make it impracticable to draw Rations or Forage for their Horses, shall be entitled to receive *One Shilling and*

and Three-pence per Day in Lieu of Rations or Forage for each Horse; and if any of the Militia of this State, when in actual Service, should be so situated as to make it impracticable to draw Rations, they shall receive the Sum of *One Shilling and Three-pence* per Day for each Ration they may be entitled to respectively, to be paid by the Paymaster of the County to which they may belong, on a Return made out and certified on Oath by the Officer commanding the Company or Detachment on Duty, containing a List of the Mens' Names, the Time they were on Duty, and Number of Rations each was entitled to.

60. AND BE IT FURTHER ENACTED, That the Act, intituled, * *An Act for regulating, training, and arraying of the Militia*, passed the fourteenth Day of *April*, One Thousand Seven Hundred and Seventy-eight, except the repealing Clause therein, and the several supplemental † Acts thereto, be, and they hereby are repealed.

Repealing Clause.

C H A P. CCXLIII.

An ACT for striking the Sum of Thirty Thousand Pounds in Bills of Credit, of the Denomination of Seven Shillings and Six-pence and under, and directing the Mode for redeeming the same.

Passed January 9, 1781.

WHEREAS none of the Bills of Credit issued on the Faith of this State, in Pursuance of the Recommendation of Congress of the eighteenth Day of *March* last, and the Act of the Legislature of this State passed the ninth Day of *June* last, intituled, † *An Act for establishing a Fund for sinking and redeeming the Proportion of the Bills of Credit of the United States assigned as the Quota of this State*, are of a lower Denomination than *One Dollar*, and great Inconvenience and Embarrassment may arise in the Intercourse of buying and selling, and Payment of Debts and Taxes, unless necessary Provision be made in this Respect;

Preamble.

SECT. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the Sum of *Thirty Thousand Pounds*, of equal Value with the present Bills of Credit of this State, be printed, prepared, emitted and made current, in Bills of Credit, of the following Numbers and Denominations; that is to say,

Thirty Thousand Pounds to be emitted.

20,000 of 7/6 each	-	-	-	-	-	£. 7,500	Numbers and Denominations of the Bills.
20,000 of 5s each	-	-	-	-	-	5,000	
20,000 of 4s each	-	-	-	-	-	4,000	
20,000 of 3/9 each	-	-	-	-	-	3,750	
20,000 of 3/6 each	-	-	-	-	-	3,500	
20,000 of 2/6 each	-	-	-	-	-	2,500	
20,000 of 1/6 each	-	-	-	-	-	1,500	
20,000 of 1s each	-	-	-	-	-	1,000	
20,000 of 9d each	-	-	-	-	-	0,750	
20,000 of 6d each	-	-	-	-	-	0,500	
						£. 30,000	

3 C

2. AND

* Chap. LXXXIV.

† Chap. CIII, CXCV.

‡ Chap. CCVI.

See also original
p. 108

[77] At a Councell held by Mutuall Agreement at Elizabeth Towne in New Jersey by y^e Governo^r of his Royall Highness Territoryes, & y^e Governo^r under the Lords Proprietors of the Province of New Jersey y^e 7th day of Novembe^r in y^e 23th yeare of his Mā^{ties} Reigne, Annoq^{ue} Domini 1671.

Pres^t—

Governo^r Lovelace

Gov^r: Carterett ¹

M^r Steenwijck

M^r Tho: Lovelace

Cap^t Berry ²

M^r De La- Praire ³

M^r Pardon ⁴

M^r Nicolls.

Vpon serious & mature Consideration of what hath been returned by the Officers of Delaware in Answer to the late Ord^s sent thither, concerning the Barbarous Murder committed by some Indjans on the East side of that River upon

¹ Captain Philip Carteret, of New Jersey. For family history see Baetjer. *Carteret and Bryant Genealogy*. New York, 1887, pp. 3-5.

² Captain John Berry, deputy governor of New Jersey, who had come to East New Jersey from Barbados, in 1669. For a sketch of him and his family see *N. Y. Geneal. and Biog. Record*, vol. 15, pp. 49-57.

³ Robert Vauquellin, Sieur de la Prairie, a native of Caen, in Lower Normandy, France, who came over with Governor Philip Carteret in 1665, having been appointed by the proprietors, Berkeley and Carteret, as surveyor general of their domain in America. See sketch in Hatfield. *Hist. of Elizabeth, N. J.*, pp. 97-99.

⁴ William Pardon, of Elizabeth, N. J., member of Carteret's council, deputy secretary, and later receiver general (1674) and justice of peace (1676).—*N. J. Archives*, vol. 21, pp. 1, 8, 22, 33, 34, 37, 39, 42, 43, 59. For sketch see Hatfield. *Hist. of Elizabeth, N. J.*, p. 170.

two Christians at Matiniconck Island,¹ It is resolved & Concluded upon as followes.

In^{rs} — That this p^rsent Season of y^e yeare is not a fitting time to Commence a Warr wth y^e Indyans who shall take part with the Murderers, as well for the Reasons given in Writing from y^e Offic^{rs} at Delaware, as for other Causes debated in Councell; soe that the p^rsent intended Expedition thither is deferrd untill a more convenient Opportunity.

That in the meane-time all Endeavo^{rs} bee used O[f] persons in Authority in Delaware to [78] have the Murdero^{rs} brought in either dead or alive; ffor the accomplishing whereof, if any Reward shall bee proposed or promised by the said Offic^{rs} for the bringing them in, the same shall bee punctually made good. And for that it may soe happen that the Malefacto^{rs} by some Stratagem or otherwise may bee taken alive, a Commission shall forthwith bee granted by his Royall Highness Governo^r, & here wth sent empowering & Authorizing the Offic^{rs} & Magistrates who shall therein bee named to bring them to condigne Punishment by putting y^e said Murderers to Death in the most Publick & shamefull manner that may bee, soe to strike a terrour & Consternation in the rest of y^e Indyans who shall see or heare of the same.

3. Whereas some Resolutions & Ord^{rs} have been lately made at Delaware of their Intentions to retire into Townes for their better safety & Security against the Indyans in case of a Warr, y^e said Resolutions are very well approved of; And it is Ordred, That at their best & soonest Convenience they bee putt in Execu^{cion} accordingly.²

4. The like Resolu^{cion} proposed as to Matinico^{ck},³ & It

¹ Collateral and Illustrative Documents, No. LIV.

² Collateral and Illustrative Documents, Nos. XXXV and XLVIII.

³ Matiniconck Island.

being a ffrontire Place, it is also allowed and approved of; & shall bee done at the first Convenient time & Season.

5. It is also Ordred, That the Inhabitants at New Castle & parts adjacent upon Delaware River [79] bee digested into severall Companies as y^e Townes & number of Men will permitt; & upon returne of the Names of the Officers that shall bee chosen amongst them to have the Command of such Companies they shall have Commissions for their respective Employments under his M^{tie}. Obedience. In the meane time those Officers that shall bee chosen, are to Act & proceed wth allowance till they bee confirmed.

6. That every Person that can beare Armes from 16 to 60 years of Age, bee allwayes provided with a convenient proportion of Powder & Bullett fitt for Service, and their mutuall Defence, upon a penalty for their neglect herein to bee imposed by the Commission Officers in Command according to Law. #

7. That y^e quantity or proportion of Powder & Shott to bee adjudged competent for each person bee at least one pound of Powd^r, & two pound of Bullett. And if the Inhabitants in the River shall not bee found sufficiently provided wth for Armes, his Royall Highness Governo^r is willing to furnish them out of the Magazine or Stores, they being accomptable & paying for what they shall receive to the Governour or his Order.

8. That the Places where the Towne-ships upon y^e River shall bee kept bee appointed & Agreed upon by the Schout, Commissaryes, & the rest [80] of y^e Offic^r according to their Proposall sent, as also where the Block-Houses, & Places of Defence shall bee erected as well in the Towne as in the River.

9. That all former Prohibitions of selling Powder & Ammunition to the Indyans under what penalty soever bee

suspended, or left to the discretion of the Officers as they shall see Occasion untill further Order.

10. That noe Corne or Provision bee transported out of Delaware, unlesse that which is already on board, or intended to bee shipt in y^e Sloop¹ of Thomas Lewis (now in that River) for y^e w^{ch} hee shall have a Speciall Licence or Permitt, untill further Order.²

11. That y^e Offic^{rs} & Magistrates at Delaware bee hereby Empowered & Authorized to treat with the Neighbour Indyans of the Susquehanos or others to joyne together against y^e Murderers & such as shall harbour them or take their part, if Occasion shall require, & to promise them such Reward as they shall think fitt. Provided it bee done with great Privacy & Caution, soe that noe sudden Jealousy bee given to the Persons intended to bee prosecuted or their Confederates.

12. And Lastly that the afore-recited Officers & Magistrates upon all emergent Occasions doe take Care by all Means that shall present [81] as well as by Expresses to give an Acco^t hither of what from time to time shall happen there in relation to this matter, w^{ch} said Expresses & Messengers shall bee well & duely satisfied for their paines and trouble.

At a Councell held &c:

Decemb: 5th 1671.

Pres^t

The Governo^r

M^r Delavall

M^r Steenwijck

The Secreta^r.

¹ Thomas Lewis was master of the sloop "the Royall Oak." She also plied between New York and Boston. — *General Entries*, vol. 4, p. 130 (June, 1672)

² Collateral and Illustrative Documents, No. LV1.

UNIVERSITY OF FLORIDA



3 1262 09720 5412